

The political-professional debates on the (de)regulation and political dependencies in the Cuba media system

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Abstract

In the last five years there has been a growing and unprecedented debate in Cuban society about the *being* and the *must be* of journalism and the need to reconfigure the media system. Political, professional and academic voices have participated in this discussion. This article discusses positioning and state intervention in the media, the need for legal regulation of the media sector, and the nature of its relationship with politics. This work is based on: firstly, the analysis of public interventions by politicians; political and professional program documents; media articles; interviews and posts by journalists; and scientific products on this subject; and, secondly, the data obtained through the *Cuban Journalistic Culture* project, in which in-depth interviews of a sample of 45 journalists belonging to different media from all regions of the country were conducted. The results show that, while in relation to the need for a legal framework for the exercise of journalism there is a greater coincidence of points of view, in regard to the political direction of the media the nuances and contradictions are greater and vary according to the position and media affiliation of the Cuban journalists. Among them, there is a consensus with regard to the importance of guaranteeing their right of access to information and promoting journalism with a vocation for public service.

Key Words: Media System, Journalism Regulation, Journalists, Professional Culture, Cuba.

Introduction

The Cuban media system, in which journalists are immersed, constitutes one of the spheres of Cuban social life that, along with other defining areas for the future of the country's anti-capitalist political project including the economy and corruption, has sparked multiple debates in academic, political and professional circles during the last five years.

There are several factors that, in their conjugation, have catalysed such discussions:

- the call for the country's political leaders to rethink and restructure journalism and the media;
- the process of economic and social transformations started as a result of the VI Congress of the Communist Party of Cuba in April 2011;

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- the restoration of US diplomatic relations with Cuba, its subsequent weakening, and the improvement of forms of pressure and sanctions on the island;
- the generational transition process in the highest government structures;
- the development of the communication policy of the government;
- the conceptual maturation and consensus reached regarding the need to transform the model of Soviet-influenced journalism that in many respects and inertias remains in force today;
- the incorporation in this debate of academics and intellectuals from the communication sciences, political sciences and social sciences;
- the multiplication of platforms to promote such discussions as the internal organic processes of the Union of Journalists of Cuba (UPEC), the Laboratory of Ideas *Cuba Posible*, blogs of journalists and intellectuals, academic journals, scientific events promoted by the different schools of journalism and communication of the country and social networks;
- the revival of debates as a result of behaviours punished ethically by UPEC, the prohibition of access and temporary detention of journalists who work in media not legally recognized in the country, and the reconstitution of media groups of diverse origin, organizational and financial purposes and forms oriented to the Cuban "market"; and
- the gradual process of development of telecommunications networks and Internet access, generating disruptive practices in the social space (mobilization through events, public debate, denunciation, articulation of social actors, amongst others) and the multiplication of the forms of production-distribution and consumption of content among the Cuban population.

In this context, the absence of a robust and comprehensive legal framework, the (de)professionalization of political actors involved in the direction of communication and the media, the "ghost" of the results of Glasnost in the former Soviet Union, the permanent political and communicative aggression of the United States, amongst others, are factors that cause the decision-making, in regard to the public action of the media, to be highly subjective.

In general, more than a hundred documents have been registered that attempt to provide diagnoses, solutions, proposals, or simply contribute points of view on the Cuban media system and its ongoing policies. At the same time, systematic debates on the daily practice of national news production are generated in the journalist community, inside newsrooms and in the debate spaces created by the Union of Journalists of Cuba (UPEC). These evidences serve to provide a rich testimony of the diversity of voices that accompany and converge with contradictory visions the process of political, economic, and social transformations that the country is experiencing, and in particular, those committed to the social production of public communication.

Media systems "are shaped by the broader context of history, structure, and political culture" (Hallin & Mancini, 2008, p. 43). Hence the transformation in political, economic, and cultural systems society would be expected to have an impact on the forms of organization and relationship of the media with power centres. Such changes are usually preceded by discussion processes, more or less increased in the social network, in which it is possible to indicate the positions and aspirations of the different actors in society.

The article's main objective is to characterize the approaches to the legal regulation of the media and the political direction of journalism in Cuba of politicians, professionals, and academics over the last decade.

Method

From a theoretical point of view, the subject was based on the proposal of Hallin and Mancini (2004, 2012, 2016), with consideration given to subsequent reviews of the "state intervention" category (Brüggemann *et al.*, 2014; Büchel *et al.*, 2016; Curran *et al.*, 2009; Hardy, 2008; Voltmer, 2013), defining two indicators: 1) the need for a legal norm for journalism in Cuba, and 2) the type of relationship desired and accepted by the media with respect to political power (Table 1).

Table 1. Analysis indicators of the state intervention

First indicator	
Construct	Integration of the state and the media
Dimension	Projection of media policy
Indicator	Type of desired and accepted relationship of the media with respect to political power
Attributes	Dependency/subordination
	Loyalty/self-regulation
	Co-responsibility/autonomy
	Complaint/independence
Second indicator	
Dimension	Need for a legal standard for journalism
Indicator	Legal regulation
Attributes	Need/importance
	Structural topics
	Content topics

Source: Authors' elaboration based on Veliz, Oller & Olivera (2019).

The methodological strategy of this study focused on the analysis of the discourses, opinions and perceptions of politicians, academics and journalists regarding both dimensions mentioned in the previous paragraph; actors whose organizations influence the (re)configuration of the media system.

Cuban professor García Luis (2012) reaffirmed the validity of this type of strategy for the national context, noting that when in the journalistic discourse is expressed the “how we want to do things, and why it is better for society to do them like this and not otherwise, it should be because in the pages of the newspaper, the magazine, the radio station, on television or in the digital edition we are managing to do what we postulate”.

In this work, the documentary bibliographic review and the qualitative content analysis of the political and professional discourses on Cuban journalism are used as analytical techniques - differentiating from journalistic/informative production and journalistic discourse, the result of productive routines¹.

The sample of documents studied was intentionally selected based on the relevance of each text in its respective scope, the authority criteria of its institutional and individual authors, and the diversity of positions they represent in relation to the development and future of media in the country. Finally, it was made up of six public interventions by political leaders, four political programs, three interviews with journalists, five publications of newspaper articles, two books, five theses, and six scientific articles (Table 2).

Table 2. Documentary sample of the study

Public interventions by politicians
Cuban journalists have the indisputable merit of having sustained the voice of the nation (Díaz-Canel, 2018)
According to Díaz Canel, there is the will to put computerization and the Internet at the service of all (in Elizalde, 2015)
Speech at the closing of the IX UPEC Congress (Díaz-Canel, 2013)
Central Report to the VII Congress of the Communist Party of Cuba (Castro, 2016)
Central Report to the VI Congress of the Communist Party of Cuba (Castro, 2011)
Closing Speech of the Sixth Regular Session of the Seventh Legislature of the National Assembly of People's Power (2010)
Political programs
Cuban State and Government Social Communication Policy (PCC, 2018)
Conceptualization of the Cuban Economic and Social Model of Socialist Development (PCC & ANPP, 2017b)
Bases of the National Plan for Economic and Social Development until 2030: Vision of the Nation, Axes and Strategic Sectors (PCC & ANPP, 2017 ^a)
Work objectives of the Communist Party of Cuba approved by the First National Conference (PCC, 2012)
Interviews with journalists
Cuban journalism is marked by a distorted conception of what it does in the Revolution (Moltó, 2018)
Maintain, in any circumstance, the vocation of public service (M. Rodríguez, 2017)
Where dialogue lives there is place for dissent (Díaz, 2017)
Journalistic articles
The “patch and the rip” (<i>un parche y un descosido</i>): Some considerations on the Press Law in Cuba (Gallego, 2017)
Public and private media: Three questions from Julio García Luis (Elizalde, 2016)
Media, government and citizenship in Cuba: Agendas, crossroads and realities (Gallego, 2016)
Seven theses on the Cuban press (Garcés, 2013)
The speech of journalists in Cuba today (García Luis, 2012)
Books
Ideology and professional culture of journalists in Cuba. Confidences, dialogues and senses of a profession (Oller et al., 2016)
Revolution, socialism, journalism. The Cuban press and journalists before the XXI century (García Luis, 2013)
Thesis
Between a rock and a hard place. How is the press directed in Cuba? (Franco, 2016)
The consensus of the possible. Principles for a social communication policy from the perspective of Cuban journalists (Elizalde, 2014)
Dimensions of analysis from the professional debate around the relevance and construction of a juridical-legal statute for the exercise of the press in the Cuban context (Batista, 2013)
The best profession in the world. Professional ideologies of journalists in Havana (Hernández, 2011)
The best profession in the world. Professional ideologies of journalists in Havana (Hernández, 2011)
Academic articles
Information production conditions in independent Cuban media. Case studies of <i>El Estornudo</i> and <i>Periodismo de Barrio</i> (Somohano, 2019)
The conflict between Cuba and the United States: A view from communication (González Martín, 2017)
Cuban journalism: a dead end (<i>callejón sin salida</i>)? (Arencibia, 2017)
Theoretical notes about the rights of access to information and communication in the face of a debate for the Cuban context (Olivera & Rodríguez-Brito, 2017)
The media and changes in information policy in Cuba since 1959 (Geoffray & Chaguaceda, 2014)
Towards a new communication model: Possible scenarios for Cuba (Vidal, 2015)

Source: Authors' elaboration.

The results, in turn, were contrasted and complemented with those from the “Journalistic Culture of Cuba” project, which was carried out between 2015 and 2017 through a total of 45 interviews with journalists from thirty-five media in twelve provinces of the country. This project had the aim of ascertaining and analysing the perceptions of journalists about their professional roles, the factors of contextual influences, autonomy, trust in public institutions, and the importance of objectivity in the journalistic field. Specifically, the interviewees' perceptions of this project were considered in relation to contextual influences and autonomy, when they made explicit reference to the legal regulation of the media and their relationship with politics.

Politics and legality in media systems

One of the fundamental considerations in the analysis of media systems at the global level is the relationship between the state and the media. Hallin and Mancini use the term “state intervention” since they assume that in the countries of their study the historical tendency towards differentiation between the two social institutions predominates. They assume this positioning, even if they “clearly interpenetrate in important ways” (Hallin & Mancini, 2012, p. 296) and as a general framework to understand that in any society there are considerable differences both in the degree and in the form of state intervention (Hallin & Mancini, 2008, p. 38).

Despite this, these authors have recognized the relevance of another vision of the relations between the state and the media as “interdependent and mutually constitutive” (Hallin & Mancini, 2012, p. 299), applicable to a greater extent in those countries that do not follow the western normative guidelines, based on liberalism, and as opposed to functionalist and dichotomous notions (eg state vs. market). An aspect that leads us to keep in mind at all times that “the media are not an autonomous part of the social system” (Chavero, 2015, p. 41).

The conception of the media as an integral part of the Cuban State strongly relates to the idea of dependency and mutual intervention between both systems. It must be remembered, however, that it is the political system “that ultimately has the power to make binding decisions and, therefore, configures the basic structure and functioning of the media system” (Voltmer, 2012, p. 240); although, in turn, the logic of the media affects the operations of political institutions.

In the case of the Cuban media, their membership in the political system has been

documented, with which they enter into a univocal relationship, so that “they do not constitute a system in themselves since they do not have the capacity for interdependence or self-referential link” (García Luis, 2013, p. 141). However, this notion has been changing to the extent that the limits and relationships of the system are redefined starting, among other factors, from the increase in access and use of information and communication technologies.

Media policy is vital as part of the role of the state (explicit or not). Its result; elaboration - involved actors and political decision-making structures (Puppis, 2015, p. 2); orientation - general interest, politics, culture and/or market; order or expected social function; and relationship with other policies such as cultural, information, education, and computerization (Iosifidis, 2011; Sierra, 2006).

A general deficit of communication policies has been “the suppression of the public in the state, or on the contrary, the overestimation of the market as a regulatory entity, generating limitations in diversity and social participation” (Martín-Barbero, 2001, p. 72; Murciano, 2005, p. 90).

Government policies generally involve a wide range of issues, actors, rules, and processes (Papathanassopoulos, 2015, p. 1), but to materialize their objectives, the policy instruments through which the state “intervenes” in media, granting - or limiting - the right to communication is essential. Closely related to media policy and governance (Puppis, 2015, p. 1), the formulation and application of the legal framework related to mass communication (Örnebring, 2009, p. 5; Puppis, 2015, p. 2) has a relevant impact on the structure of the system and on journalistic culture.

Media regulations provide elements to assess the interdependence of the media system with the state and have to do so with authority (legislative, but also judicial and executive) (Lehmann-Jacobsen, 2017), professional autonomy, and the rights to information and communication. Access to information constitutes the guarantee that people have to know actively or passively “the ideas, opinions, facts or data that are produced in society and that allow them to form their opinion within the plurality, diversity, and tolerance that a democratic society supposes” (López, 2009, p. 13).

The right to communication overcomes the diffusionist and informational conception of freedom of expression -associated with representative and procedural democratic models- while giving an account of ideals of participatory and deliberative democracy (Navas, 2011). In this way, it enshrines the right of citizens to be

truthfully informed of public affairs and to use various media, services or channels as a means of expression and responsible, critical and supportive exchange of their opinions and complaints; but also to systematically participate in matters that concern the members of society, without underestimating the other, promoting hatred, violence, and discrimination (Olivera & Rodríguez-Brito, 2017).

The exercise of these rights may be subject to restrictions (limitations) by the states, mainly related to national security, interest, order, and public morals, personal reputation, privacy, and the rights of minorities, amongst others. This type of clause is frequently used to deny access to information, restrict critical journalism (Voltmer, 2013, pp. 141–144), and legitimize different forms of control (Jakubowicz & Sükösd, 2008, p. 33). Therefore, the exact balance of these values is a matter of collective debate, which varies not only between cultures but also over time (Voltmer, 2012, p. 234).

In the context of political, economic and social transformations that Cuba is experiencing it becomes relevant to document the collective debate around the (re)structuring of the media system, in order to distinguish the operation strategies of its actors, and, above all, its position regarding the need to guarantee an environment of greater regulatory security in the practice of journalism. "Conflicting values and interests, information flows, institutional arrangements and variation in the socioeconomic environment" (Sabatier, 2007, p. 8) are key aspects in the design of public and government policies.

This is a vital issue for the structure in which the media system can operate since the public policy instruments are not neutral (Harguindéguy, 2013, p. 205) and express a certain vision of politics, and when institutionalized they shape the way of understanding it.

Vocation of public service vs. political subordination?

In the political discourse on the media in Cuba, the same systematicity and theoretical elaboration that, logically, take place in professional and academic spaces, are not found. However, certain points of dialogue and coincidence are noted regarding problems in the functioning of the media system. The political discourse is better defined at the documentary level, tends to identify problems and provide guidelines, possible solutions, as well as evaluates results and subscribes general principles that, in turn, affect the establishment of referents in professional and scientist settings.

The professional discourse, on the other hand, shows a substantial diversity and dispersion of actors, themes and modalities (interviews, blogs, panels, amongst others), with a consistent institutional core (linked to UPEC) and a more critical, contradictory and dynamic expressiveness in networks and on the Internet. Meanwhile, academic discourse has served as an interface between professional and political discourse, since it systematizes, updates and observes it, using research resources and levels of theoretical abstraction that guarantee legitimacy.

The political, professional and academic discourses are interconnected and, in turn, show contradictions in the beliefs around communication in Cuban society.

The public expression of this diversity has found a channel as a result of the opening of a "window of opportunity" in the political environment, which began with the call by Cuban President Raúl Castro, at that time, to "suppress the excess of secrecy that we have become accustomed to for more than 50 years of enemy siege" (Closing Speech of the Sixth Regular Session of the Seventh Legislature of the National Assembly of People's Power, 2010), and which would then continue with the holding of the First National Conference of the PCC (2012). Likewise, at the political discourse level, direct attention to issues related to communication stands out by the First Vice President of the Councils of State and Ministers (2013-2018), and current President (2018-), Miguel Díaz-Canel (2013, personal communication, 19 March 2014).

Among the principles that have been defined in the public interventions of both political actors are a) the party leadership and social ownership of the media; b) the loyalty of Cuban journalism to the Revolution and its counter-hegemonic character at the global level; c) the right of the people to quality, diverse and timely information; d) the right of access to public information; e) the enhancement of dialogue with citizens, debate, criticism, and participation; and f) the representation of social diversity and the values of national culture in media production.

On the other hand, although the transformations in the communication system have not taken place at the same speed as the changes in economic relations (Vidal, 2015), which has increased expectations and disbelief in professional actors, there has been a notable advance in the strategic projection documents presented during the VII Congress of the PCC, held between April 15 and 19, 2016. In this congress was approved the "Conceptualization of

the Cuban economic and social model of socialist development and National Plan of economic and social development until 2030: a proposed vision of the nation, axes, and strategic sectors".

By way of summary, these documents support that:

- a) "Information, communication and knowledge constitute public goods and citizen rights" (PCC & ANPP, 2017b, p. 8).
- b) "Social communication is a strategic resource for the direction of the State, institutions, companies, and media, at the service of participation - including public debate - and the development of the country" (PCC & ANPP, 2017b, p. 8).
- c) "The Communist Party of Cuba draws up the policy from which communication is controlled and evaluated" (PCC & ANPP, 2017b, p. 8).
- d) "Advertising is oriented to responsible and sustainable consumption, it is based on ethical and aesthetic principles that prevent any type of deception, discrimination, or offense, and, finally, it does not promote symbols that carry colonial and pro-capitalist messages" (PCC & ANPP, 2017b, p. 16).
- e) "Communication is a fundamental area of construction of global hegemony" (PCC & ANPP, 2017b, p. 15).

Likewise, the State's commitment to "guarantee the correct implementation of the communication policy" is signed (PCC & ANPP, 2017a, p. 19), as well as "to develop and sustain the telecommunications infrastructure to achieve universal access and productive use of information and communication technologies" (PCC & ANPP, 2017a, p. 21).

With regard to the professional discourse on journalism, it is worth noting that some academic scholars and works have allowed the analysis of perceptions and behaviour shared by Cuban journalists regarding regulation, self-regulation, professional roles and ideologies, and the direction of the media. Among them are García Luis (2004, 2013), Batista (2013), Elizalde (2014), Franco (2016) and Oller *et al.* (2016).

In all of these works, journalists are inclined to demand an increase in the levels of self-regulation of the profession and denounce as a problem the excessive mechanisms of extra-journalistic control - especially political ones - of the media (Oller *et al.*, 2016). These are usually manifested as an administrative regulation of information (García Luis, 2004, 2013), and unfavourably affect the professionalism of journalism (Elizalde, 2014).

However, most of the interviewed journalists belonging to the public-partisan-state media sector do not reject the partisan leadership of the media, given their great sense of ethics, loyalty and political-social commitment: "self-regulation it is a form, and perhaps the most effective, of the Party leadership in the press" (García Luis, 2004, p. 97).

In relation to this, Julio Batista points out that the majority of his interviewees "agree that there must be a horizontal dialogue between partisan structures and the national press" (Batista, 2013, p. 101), highlighting as concepts related to honesty, "respect for information sources, morals, personal integrity, private life, and public order, which are handled daily by journalists without the need for a legal mechanism to coerce them" (p. 104).

In the results of the Journalistic Cultures of Cuba project, the perception of journalists agreed with the previous findings. So, regardless of their organizational affiliation and legal status, journalists qualify censorship as one of the main damages to the profession. Some of them refer to arguments regarding the benefit in terms of the legitimacy of the Cuban government in the context of polarization and long-standing international political conflict: "the subversive and enemy opposition of the Cuban revolution, far from ignoring it, has to be recognized so as to be overcome" [Interviewee # 28].

Likewise, the interviewees express needs related to professional autonomy, to the incorporation of citizenship as the most effective instance of control over the functioning of the media, and, above all, to the separation of partisan and governmental functions in relation to journalism [Interviewee # 14].

Professor and journalist Miriam Rodríguez highlights another of the coinciding points in the discussions of the journalistic community since the 1980s: "the Socialism that we have known has suffered from too narrow a vision of Journalism, reducing its influence to the sphere of propaganda, which also defines it, in its most authentic version, but not only" (in Rodríguez, 2017).

However, this system of relationships has fostered the constitution of a culture of public service, where the commitment to truth as a professional value (Argüelles, 2011; Hernández, 2011), the safeguarding of the rights to information, communication and freedom of expression, conscience in relation to the defense of the country and national security, and individual and social responsibility towards citizens have been hybridized (Elizalde, 2014, pp. 47-48). The vocation of public service constitutes one of the identity elements of the professional community,

which must be “maintained in any circumstance and above any interest or mandate” (Rodríguez, 2017).

In relation to this, one of the institutional leaders of the journalistic unions and, in turn, of the academic field of Cuban journalism, Professor Julio García Luis, points out that true democratization of the press and the ethical exercise of journalism require assuming social ownership of the media. Media that form part of a class, a popular project of social justice and socialism (in a broad interpretation of this concept), capable of imprinting a policy of reasonableness and full liberation of the human being. Elizalde (2016) concurs with this by stating that, to be carried out, it requires special mediation and articulation between the political system and the media system, expressed in the professional management of these.

However, other tensions challenge such vocation, which Elizalde (2014, pp. 47-48) summarises from the minutes of the balance sheet assemblies of UPEC, prior to last Congress, held in 2013: regulation of communication; the convergence of mass media and new social media; sustainability; and social consistency.

Despite the consensus previously described, these do not include certain areas of the debates, points of view and discussions on the operation of the media system in the country, and specifically on journalism, which have been taking place in the digital public space. Blogs or media spaces, emerging in recent years with certain levels of autonomy from governmental and political institutions, have raised, with different degrees of dissent/opposition, a discourse on journalism anchored in editorial independence, creative freedom, private property, diversification of forms of financing (economic sustainability), and the distancing - radical or moderate - in relation to loyalty/subordination to the Party and the Governmentⁱⁱ.

Several factors affect this phenomenon: the structural crisis of journalism that the country is experiencing - its cumulative effects and the slowness in the decision-making process that enables creative solutions to be promoted -; the expansion of access and uses of ICTs in the Cuban population; the gap between the professional aspirations of young graduates of journalism and the cultural condition; the organizational and economic conditions for their professional performance; and the improvement of the symbolic mechanisms of political subversion by the US towards Cubaⁱⁱⁱ.

On the one hand, confrontation and political polarization persist in the discourse on journalism, given that several of these new media establish links with: the Cuban-American media in Florida, global media corporations, political organizations of the Cuban diaspora (Geoffray & Chaguaceda, 2014), and organizations funded by the United States Government^{iv}.

The main objectives of “dissident journalists” are, according to the British researcher Katrin Voltmer (2013: 68), “to push the limits of the range of topics that can be discussed in the public sphere and change the frames of reference of how people think and talk about their society”. However, at the same time as they offer “independent” information, they become propaganda instruments - which in the Cuban case is an extension of the Cold War.

Another main point of the analysis is that a gap has been opening between the professional institutionality of Cuban journalism and another group of emerging and “legal” media platforms. Some of them have made professional proposals of higher quality, diversity, analytical depth and autonomy than traditional “journalists of opposition”, and have even taken up and updated diminished practices in important areas of the traditional media: investigative journalism, the rediscovery of the column, the chronicle or literary journalism, among others. This knot of contradictions is anchored, on the one hand, in the strategy - conscious or not - to delegitimize the professional identity of journalistic practices in the state media; while on the other, in the questioning - sometimes forced - of the sources of financing of such spaces and the positioning of their role in defense or otherwise of the political system.

It would be necessary to analyse with greater rigor the professional discourses that originate in this emerging area. However, significant coinciding points are observed in relation to those provided by the majority of the professional community, integrated laborly in the state media; even with notions about journalism raised by political discourse: the vocation of public service, professional ethics, the citizen's right to information, the need to reconcile different ways of managing, sustaining the media, among other issues.

In the interviews applied in the journalistic cultures of Cuba project, it was possible to verify the themes and tones of the processes of public deliberation of journalists, in contrast - or not - with the existing political-legal approach:

- The social and public service vocation of journalism is shared by the journalists interviewed belonging to both the institutional and the emerging media system.
- The professional role of journalists in Cuba is associated with the intermediation function of media professionals, the need for dialogue between the different agents - journalists, politicians and citizens, and the commitment to facilitate government policies and defend national sovereignty.
- The role of denunciation and criticism of the social system does not necessarily mean a position contrary to the principles of the Revolution, but rather a commitment to the democratic function of media control.
- Journalists from the media constituted beyond the Cuban official media system, both legal (accredited as foreign press)^v and non-legal or illegal, do not carry out their professional activity subject to the relationship maintained with official political instances.
- Discordant and conflicting opinions regarding the exercise of the most critical roles with the factual powers (watchdog, investigator, and adversary) and those closer (loyal-facilitator, submissive, and dependent), also differ according to political and institutional affiliation of professionals.
- In relation to the previous point, differentiated interpretative positions, meanings, and nuances are also observed regarding the recognition of official sources; the dialogue and/or distancing with public/government institutions; the function of critical surveillance of government action; and the duty of journalism as an articulator between politicians and citizens for the defense of the country and the preservation of the Socialist political system.

Need for a legal norm for Cuban journalism: one consensus, multiple disagreements

The close relationship between the press and the Cuban political power has not been reverted into guarantees for the media in the country. Despite the role of the PCC in society, it lacks the legal power to enforce its directives (Batista, 2016; Ulloa, 2013), although in the field of media there has also been no need or political will to turn them into legal norms (N., personal communication, 25 June 2018).

Nowadays, the convenience of a juridical-legal statute is not determined by non-compliance with partisan provisions, but by the need to control the powers of the various political, government, business, professional and citizen actors (Batista, 2013, 2016); as well as contributing to transforming the daily practices of information and public communication; the elaboration of a legal framework that contributes to the cultural transformation in the matter of communication (Batista, 2013; Elizalde, 2014; Garcés, 2013). However, it will not solve, *per se*, the deficiencies of Cuban journalism, and it is even argued that there are no optimal conditions for its operation (Gallego, 2017), according to its possible scope.

More than two-thirds of those interviewed from the Journalistic Cultures of Cuba project consider legal deregulation as a very influential issue in the practice of journalism in the country, which translates into a demand for guarantees and clear rules for its exercise: “The deficiencies in the approach to reality are not always conditioned by the lack of legal support for the journalist's work” (Batista, 2013, 2016).

Raúl Garcés (2013) points out that “the need to communicate cannot be imposed solely by decree, it must be a natural force, a movement, a demand that is born to society from its entrails”. Consequently, it suggests practical actions located in the country's institutional-governmental structure: press conferences offered systematically by the ministries; responsible access to managers at different levels; and the possibility of re-educating ourselves in an information culture.

Undoubtedly, one of the fundamental angles of professional dissatisfaction linked to the practice of journalism is closely related to the diminished capacities (technical, cognitive, and socio-structural) of Cuban institutions - governmental, business, social, state, and non-state- to strategically produce communication.

In her doctoral research, Rosa Miriam Elizalde (2014) suggests guiding institutional efforts in order to guarantee:

respect for the full dignity of all communication actors; social construction of the media agenda; education for plural communication; guarantees of citizen participation; intelligent and coordinated confrontation to the activities of political and ideological subversion of the enemy; accountability; generation of services for community management; and recognition of cultural diversity. These

efforts would impact on the consolidation of responsible regulation, the variable of greatest dependency on the system and one of the ones that generates the widest attention in the journalistic sector (p. 112).

The legislation would not be essentially useful if it: were not drawn up with the widest popular participation; recognizes the rights to information, communication, and the Internet; diversifies the modalities of media management – in the understanding that the definition of state property would remain and social; guarantees its autonomy (editorial, professional and economic); prohibits prior censorship; creates control mechanisms to avoid arbitrariness; and establishes a genuinely dialogical, deliberative and participative vision of communication (Batista, 2013, 2016; Fernández, 2016; Tolentino, 2016; Torres, 2016).

However, the main concerns regarding a legal framework “are centered on the access and use of information, the relationship with political power, the relative autonomy of the media and the fulfilment of their social mandate” (Batista, 2013, p. 129). Although this range, logically, includes a larger tuning fork, it is worth noting that the right of access to information and transparency constitutes a backbone in both political and professional discourse on journalism (Díaz and Arencibia, 2017; Vidal, 2015). Even so, for some professionals, a press law is not a necessity, but a transparency and access to public information law is essential (Díaz y Arencibia, 2017)^{vi}.

Of course, there is also a danger of moving from an environment that is not legally regulated, which has favoured the autonomy of recently created media projects and the degree of government permissibility in the face of widespread practices of informal circulation of content (Cabrera, 2015; RM, personal communication, April 13, 2017; FA Rodríguez et al., 2016; R. R., personal communication, March 9, 2017), “to another in which the exercise of the press that is outside the official media structure is criminalized and penalized by the state of the country” (Díaz, 2017).

In any scenario, the truth is that it is a media system that is unregulated in legal terms, where the regulated spheres are based on principles that limit the exercise of quality journalism, and in particular the capacity for innovation and development of public/state/partisan media (President of UPEC, personal communication, 9 March 2017). At the same time, the reality has gone ahead of the legislative capacity due to the

emergence of diverse media actors in digital on/offline environments (E., personal communication, 13 April 2017; G. S., personal communication, 21 January 2018).

As a result of the most recent UPEC congress, the ethical debate was strongly reignited, associated with “the most elementary principles that constitute the root of the revolutionary tradition of Cuban journalism” (ACN, 2017), professionalism, democracy, and socialism - understood it precisely as an ethical project. However, it would be necessary to evaluate how to implement this principle in the legal and organizational order to which the media in the country are entitled - according to the political and professional speeches referred to.

In the Cuban state and Government Social Communication Policy (PCSEGC), in its not-yet-public version of 2018, it is recognized that “information, communication and knowledge constitute a public good and a citizen right”, limited by the legislation on defense and national security (PCC, 2018). In this regard, the new constitution (2019) mention the rights to “request and receive from the state truthful, objective and timely information” (Article 53), freedom of expression (Article 54) and of the press (Article 55).

However, the constitutional text does not recognize the right to communication, limiting freedom of the press for the purposes of society and by subsequent regulations of a lower rank. The ownership of the media is limited only to the state, in frank contradiction with what was stated in the PCSEGC, where it is stated that “the mass media, in any format or technological support, constitute a public good and service” (PCC, 2018).

Consequently, there is a gap between political documents and legal regulation, which in the communication and journalism sector in Cuba has historical roots (García Luis, 2018). Likewise, the decisions made in the matter of communication policy, although having had a partial dialogue with the instituted professional sector and the academic sector, have been marked by the centrality of the PCC in the political system and in the Cuban media system, and its direct intervention in the direction of the media.

Therefore, the proposed policy solutions are fundamentally aimed at reinforcing this role of the PCC and at strengthening the institutional communication of the Cuban government - which undoubtedly is also an urgent need of society. However, they do not seem to be sufficiently oriented to build a framework of guarantees and democratic development of communication in the

country, no longer according to liberal referents, but with their own referents of socialism in matters such as the socialization of power, ethics, and professional culture.

Conclusion

In the most recent decade, in the political, professional and academic discourses and arguments referring to the legal regulation of the Cuban media notable coincidences regarding its need to fulfil the social and political tasks of journalism, while recognizing its capacity limited as a mechanism to solve the problems that concern it, are noted. The guarantee of the rights of access to information and communication is usually indicated as a common and central element of this instrument. In all the visions analysed it is on an aspirational plane.

The political leadership of the media, however, is a matter that confronts greater nuances. The political discourse is part of the sustainability of the Cuban anti-capitalist project and of the guarantees of sovereignty and national independence. In the professional discourse of journalists, linked to the public-partisan-state media system, the strategic nature of the political direction of communication is recognized based on strong social commitment, institutional loyalty, and a vocation for public service. Even so, there is commitment to transforming the external regulation of media policy - which has been understood and applied instrumentally - by professional self-regulation.

At the same time, in emerging professional sectors that have managed to develop a quality journalistic product in an “independent” manner, the role of the government in regulating public space tends to be recognized, but not the political leadership of the media. However, in those so-called “dissident” media - many of them aligned with political organizations of the Cuban diaspora and US government agencies - the opposition to the political system is radical.

The exercise of journalistic politics and practice constitutes a place of expression and concretion of the transformations, the setbacks, the aspirations, and the searches for a journalistic model for Cuban society. The decisions made in the matter of communication policy have enabled a route to establish rules that grant greater security to the practice of journalism, within structural frameworks defined by high-level State-Party intervention. In turn, they have ignored and limited the diversity of aspirations and nuances identified in professional and academic discourses.

The interaction patterns of the media system, therefore, are not governed by the existing legal framework, but by the general principles of media policy and the institutional forms through which the participation-intervention of the PCC and state operate in the different political and communicational scenarios.

Therefore, to the extent that government political action validates its discourse in relation to journalism, and in turn, the journalism that is practiced closes the gap with the journalism to which it aspires, the current contradictions will find routes of solution, or sharpen.

It should also be observed whether the government promotes media actions that naturally neutralize political polarization. A political polarization marked by the context of international confrontation and disagreement between the United States and Cuba, the challenges that the hegemony of the political system, the emergence of narratives and frames of reference of “independent”, and the opposition/dissent media groups entail. In other words, a political practice that transforms the concept of a “besieged square” (*plaza sitiada*) into a proactive, open and creative strategy for communication.

However, the established practices that form part of an instrumental culture of the media are being increasingly challenged by the journalists and their critical position towards the instituted media structure of the country and its operating rules.

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i In this sense, it is worth clarifying what was indicated by the professor and journalist Julio García Luis (2012) regarding the relationship between the discourse of journalists and journalistic discourse: "It is [the journalistic discourse] that can legitimize the other, [to the discourse of journalists]".

ii For example, Álvarez (2016: web).

iii Researcher Olga Rosa González Martín (2017) shows how communication has been part of the historical conflict of the United States against Cuba. She points out that "in these almost three decades of transmissions directed to Cuba under the pretext of promoting the so-called freedom and democracy in the American style, set forth in both the *Torricelli Law* and the 1996 Law for *Freedom and Democratic Solidarity of Cuba (Libertad Act* in English and known as the *Helms-Burton Act* by the name of its sponsors) congress has given the Office of Transmissions directed to Cuba (OCB for its acronym in English) more than \$ 770,000,000" (González Martín, 2017, p. 167).

iv Among the most articulate: *Diario de Cuba, 14ymedio* and *Cubanet*.

v *OnCuba* and *Progreso Semanal*.

vi Professor Julio García Luis (2004), in his doctoral research, indicated that there was no agreement regarding the need for a legal status of the press among the journalists interviewed in his sample.