

FREEDOM TO RECEIVE AND SEND MESSAGES

in the new national legal and political framework

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ABSTRACT In this article, presented on April 13, 2007, in the International Seminar "*Freedom of expression in a democratic society*", organized by the Human Rights Study Center of the UCV at the Auditorium Fundación Jardín Botánico, UCV Caracas, Venezuela, I was grateful for the opportunity to address, as a communication specialist, one of the largest and most systemic topics of contemporary politics, *freedom of expression*. This problem, multi and interdisciplinary almost by antonomasia, needs more and more plural approaches, all the more in countries with special situations such as Venezuela. Therefore I took this infrequent occasion to participate in the debate with a methodological preamble which I consider unavoidable, as would be revisiting, for the purpose of *aggiornamento*, some ontological and gnostical bases of the topic in question.

KEY-WORDS Freedom of expression, nomothetic sphere, technology.

I analyze three main aspects whose oversight or insufficient updating continues to generate, in my opinion, hermeneutical confusions and lack of adaptation between things and ideas. They concern 1) the nomothetic sphere; 2) the weight of technological determinants which, beginning above all in the XIX century, have added much complexity to the millenary idea of free will, and 3) the today indispensable hierarchical positioning of the species *freedom of expression* under the genus *freedom of communication*.

The nomothetic issue, today disfigured by ignorance, diverse interests and the irrationalism of post-modernity, would seem to be driven by new Windelbands, Dithseys or Hartmanns capable of putting it back on its feet, of throwing the merchants and clowns out of the temple and of restoring in it the order of reason and history. "Nomothetic" should be understood as the extremely general scope of the Norm

“commandment for action” according to a legal order, that is, the entire sphere of practical reason, which for lay, evolutionist thinking originates and is structured in the night of time, around a primary *bonus-malus* and of survival which has slowly led us to the present normative refinements and specializations. This reminder closes a forgotten lesson to recover the moral norm, that is, the *regula* which tries to impose order on inter-subjective relations is historically the first to be established, and Morality continues to be the normative ontological matrix of all the most sophisticated constructions and codifications which would come later, mainly grouped around Politics first and Law afterwards. To use a simile, Morality is to these two disciplines as the basal cerebellum is to the upper cerebral cortex, and it is to Morality that Law and Politics in crisis always return, in search of new principles in unprecedented situations which require new norms. Thus, when we approach the possible, desirable principles of a *Right to Communication*, of a *Right to Information* or the inclusion of *Communication Policies* without previously passing through a *Communicating Morality* in search of essential provisions, we are putting the cart before the horse. A procedural mistake which we all irremediably make, and this writer more than others, which does not prevent us from becoming Augustinely aware of the methodological sin and making a correction. When we think of “Freedom of Expression”, we instinctively seek legal and political categories which update the original spirit and letter of the illustration, without considering carefully the richness and solidity of a prior analysis of the matter on the moral or contemporaneous inter-subjective level, in which the *erlebniss* or experience of one communication with another which is free, interfered, manipulated, controlled or prevented by external forces, is extremely real and historical.

The second aspect, that of the technological determinants which confer complexity on the millenary idea of Freedom, is the one which best shows to what point the umpteen meanings of “*freedom of expression*” are today insufficient to express the super-determination of science and technology and need to be rethought. A double problematic asserts itself here: on one hand, the complex or at times impossible things which result today from the exercising of a full freedom of expression due to lack of access to unattainable or monopolized but unavoidable mediating technologies; on the other hand, the unexpected protagonist role assumed by these same technologies as facilitators or inhibitors of freedom of expression, to the point that many of them – far from being the mere neutral vehicles which much jurisprudence still believes they

are – today exhibit a characteristic political valence, even before their user attributes other circumstantial ones.

With regard to the first problem, we are starting to see with a certain clarity that freedom of expression has become the fruit of the equilibrium between *Access* and *Participation*, between the equally exercised capability of *receiving* and *sending* messages, bases for constituting a non-manipulated Public Opinion. A large part of our communicational environment has been constructed to facilitate our reception of messages and to inhibit our sending them, which gives an aprioristic idea of the critical state in which Freedom of Expression is found today even before the appearance of censors and tyrants. In order to explain it and encourage its exercising, today there should be included in it at least the six following ingredients: *Free Access to the sources of public and private information*, *Free Reception of messages* from any origin, *Free Choice of a Code* for expression, *Free Choice of a Channel* for communication, *Free delimitation of receiving publics* and *Free Choice of Content* or messages – no more or less than that.

With regard to the second problem, nobody could have imagined in the XVIII and XIX centuries, when only speaking, writing and printing existed, the intrinsic socializing or de-socializing power, therefore political, which the future media would exhibit in the real exercising of free expression. Today we know that many of them carry a predetermined load, and that they no longer are the neutral vehicles of the ingenuous theories. Observe the passage of the last eighty years, marked by the predominance of radio and television which, on functioning like the diodes which permit current flows in only one direction, would introduce profoundly antidemocratic features in the circulation of messages, assuring excessive freedom of expression for a few privileged stations while generating more and more dumbness in the receiving masses. These two channels carried in their technological DNA a strong imposed, dictatorial and silencing component; for this reasons radio and television became the media preferred by persuaders and preachers, publicists, those charged with divine missions, dictators, despots and tyrants of all types. Thank heaven, and thanks to the more democratic technologies, the radio and television era is coming to a close. Research has forged, correctly, the term *post-television* to describe what we see being impetuously born before our eyes: a world that on credit, and on account of the inherence between Communication and Society, could end up liquidating all the dictatorships if it succeeded in minimizing the use of dictatorial media, recover dialogue and return to men the universal capability for expression. The glorious and never well-

considered telephone, prince of human communication by being of the highest dialogue coefficient, is about to be converted fortunately into the first communication media with really universal use; in its direct and even more democratic descendent, the Internet, the old utopia of everyone expressing himself is becoming reality, and for the first time – thanks to a technology rather than to social conquest – we can assure in it the full and conjugated co-presence of the six components of a “freedom of expression” mentioned a little earlier. We and our descendents will have to defend from spies, censors and despots the freedom in the use of these two extremely powerful technologies essentially democratic and anti-dictatorial, since through them, we can be sure, the preponderant part of our freedom of expression will soon flow.

The third and last point to consider concerns, within the formula “freedom of expression”, the very extent of the component “*expression*”, a problem which we will exemplify in this way: we should all assume with the greatest clarity that between “expressing oneself freely” twice a month with a neighbor on the corner of one’s house and “expressing oneself freely” on a national radio and television network whenever one wants, from a presidential palace and during almost two hours a day, there is a quantitative/qualitative abyss which distorts the rules of the game and which nevertheless is sold, with sinister hypocrisy, to the world as the full, democratic formal existence of that freedom. Is it by chance that this freedom today cannot be genuine without a certain equality of opportunities for exercising it? And does not this isonomy of use (one same norm for everyone) concern the free choice and use of the channel as much as or more than the message itself, which makes obvious the broader and more comprehensive nature of “*freedom of communication*” compared to “*freedom of expression*”? Looking a little closer at these things, we discover a strange parallelism between our problem and the fate which befell the famous trilogy of the French Revolution (but included in the French Constitution only in 1958): *Liberty, Equality, Fraternity*, which always ends up with glamorous Liberty upright in front of Equality and Fraternity cast into oblivion. Freedom of Expression also suffers from an Equality of use cast into oblivion and split away from the main definition. This has happened since the approval in 1789 of the *Declaration of Human and Citizens’ Rights*, whose extremely famous Art. 11 (in which in passing appeared originally the word “*communication*” only later restrictively converted into “*expression*” reads as follows: “*Free communication of thoughts and opinions is one of the most precious human rights; every Citizen can therefore speak, write*

and print freely...". All the succeeding declarations have copied this separation between the abstract principle and its concretion, between what comes before and after the semi-colon: from Art. 19 of the Universal Declaration of 1948 "...which implies the right to receive information and opinions, and to disseminate them...by any means of expression" to Art. 19 of the International Pact of 1966: "includes freedom to seek, receive and disseminate information and ideas...in writing or in printed or artistic form, and by any other chosen procedure"; from Art. 13 of the American Convention on Human Rights of San José, 1969, in which the first paragraph copies word for word the International Pact mentioned above to Art. 57 of the Venezuelan Constitution of 1999: "...and to make use for them of any means of communication and diffusion..." It is only in the Declaration of Principles regarding Freedom of Expression of 2002 of the ICHR/OAS – in my opinion the most complete and satisfactory text on the subject – where for the first time it is explicitly declared (certainly restoring the glorious legal status to the "communicating" of 1789) that "...all persons should count on equality of opportunities to receive, seek and impart information by any means of communication...and they have the right to communicate their opinions by any means and form".

Summarizing this preamble: 1) Freedom of Expression should be comprehended and defended on moral grounds, of practical and today mediated behavior, even before seeking its formal legalization; 2) to assure greater freedom of expression it is necessary to favor the use of technologically "democratic" media assuring equality of opportunities; and 3) within the solemn universal, regional and national definitions of "freedom of expression" it is necessary to recover and practice the operative part, the "make use of..." and not only to defend the purity of the abstract principle.

Despite the best intentions of its organizers, the exceptional situation which Venezuela is going through makes this seminar take on a strong political importance which this contributor assumes without any vacillation. It is difficult to approach with academic serenity the topic of freedom of expression at a time in which the latter is in unimaginable danger due to powerful forces intent on demolishing political party, trade union, educational, economic, scientific, cultural and communicational pluralism by means of sophisticated methods of social engineering and control of minds perfected by long-lived sinister dictatorships. Our all-powerful autocrat reminded us only two days ago that "*we must move away from the idea...that it is necessary to seek consensus*", thus burying

the principles of diversity, pluralism, tolerance and democracy. What Venezuela expects from us at this time is denunciation without fear, lucid moral indications, a strong germ of hope.

For this purpose, we will derive from the comments expressed until now three criteria for outlining an interpretation of the Venezuelan communicational environment under the present autocratic regime. They are:

- 1 ■ documenting violations of authentic principles in the matter of freedom of expression is good and useful, if accompanied by an analysis of the changes in communicational conduct, of the new morality of communicating essentially induced by those in power and the main cause of those violations;
- 2 ■ state of equilibrium Access/Participation in the inter-subjectivity of the contemporary Venezuelan; are the six ingredients mentioned which make up Freedom of Expression or of Communication present?
- 3 ■ to what extent is the second part of Art. 19 of the Universal Declaration and similar documents applied today in Venezuela, directly or vicariously; is there a minimal equality of opportunities in the use of the means of expression?

The first criterion relating to the new morality of communicating has as its reasons for existence the following indisputable relation which the study of communication discovered much before jurisprudence: Communication and Society are inherent, all communicational engineering is social engineering. Communicational behaviors are not super-structural with respect to the ruling social model, but rather a joint cause of the latter; for new spontaneous or imposed communicating habits, a new society. This allows us to state, in the case at hand, that the current political autocracy has its basic *ratio essendi* in the media despotism of the autocrat himself, which we will quantify in a little while.

The present government is the first in the country's history to have assumed full power over communications, especially the radio-electric type, but not to alleviate the oppressive and foreign-influenced mercantile dictatorship of the old media duopoly, or to assure the suffering user good quality non-governmental public services, but rather to attribute to it an even harsher hegemonic role along Leninist-Gramscian lines: guaranteeing through saturation of messages an ideological predominance which perpetuates the majority consensus it tries to obtain from a "public" media system degraded to "governmental" or even more

appropriately to “autocratic”, that is, “Chavista”. It is not hermeneutic but rather a confirmation: “*Our socialism needs a constitutional hegemony*” and “*All communications have to depend on the State as public property*” are declarations from last January 8 and 14, respectively by the former minister of Communications now director of Telesur and by a former vice minister of foreign relations and main theoretician of “Chavism”.

April 2002, and the private media support of the popular insurrection – ill-intended and excessive, beyond the admissible – represents a turning point in the country’s communicational history. The autocracy decided to take over in a hegemonic manner all the media power which almost brought it down, in a slow, perseverating and planned way. Its *pars destruens*, which should minimize the emission power of the external opposition, is, with all its imposition, is a small thing compared to the *pars construens* devoted to maximizing the government’s emission capacity: an absolute novelty for a Venezuela after many decades of commercial gigantism and public dwarfing in communications. Outstanding here is the role of political commissariat first assigned to CONATEL and then to the MINCI (today the regime’s censor), the arbitrary cut in advertising for hostile media (the State is the main advertiser in Venezuela), the incessant presidential threats against “politically incorrect” media and communicators rapidly translated by government agents into punishment of all kinds, the forced obtaining of political neutrality of important media, the elimination by self-censorship of programs with opinions adverse to the regime (CIC/UCAB calculates that since the promulgation of the *Resource Law* 50% or more of these programs have disappeared), the acquisitions of printed and radio-electric media to reconvert them to government media or simply close them down, the despotic and unsubstantiated closure of RCTV, dean of the commercial stations, *fusillée pour l’exemple* as a warning to the few remaining stations, lesser moralistic restrictions in the use of the Internet which could announce other greater ones, the re-nationalization of CANTV and, as one of the masterpieces, the so-called *Resource Law* of December 2004, offspring of the triple dictatorial advance warning of articles 208 and 209 of the Telecommunications Organic Law of 2000 which says: “**Until promulgation of the law which regulates the content of transmissions and communications sent through the various communication media...**” The “Resource Law” with its title disguised under the pompous name of “social responsibility” is then, from birth, a fascist law with which the State “*regulates the contents of transmissions and communications*”. Its text, confusing and scholastic, occupies nineteen pages only of a normative digest of 448

pages on Telecom and Communications recently published by MINFRA, CONATEL and CEDITEL, a demonstration of the high priority accorded Communications. The essence of what the government was seeking with that law lies, in my opinion, in its Art. 10, which on forcing the concessionaire to enter into a network and retransmit official messages without any time limit, with the smallest alterations being absolutely forbidden, makes another April 2002 impossible. This Article converts into law an unlikely earlier provision, the *Administrative Measure nº 407* of March 8, 2004 which, in flagrant violation of articles 58 and 337 of the Constitution, grants the autocrat a right which is totally unique on the face of the earth, that of being able to order public and private radio operators to perform “*the transmission of official messages and speeches... every time the corresponding announcement (network cue) is issued*”. Under its moralistic and pseudo-libertarian cloak – to conclude this micro-analysis of the law – are hidden other definitions, deliberately vague passages and omissions which are forerunners of possible severe restrictions, such as the great ambiguity of its Art. 1: “*The provisions of this law apply to all images and sound whose dissemination and reception take place within the territory of the Bolivarian Republic of Venezuela...*” (on November 26, 2006, for example, an official announcement by the National Electoral Council which prohibited the media from disseminating polls or surveys of voters’ intentions, established that “*this provision extends to those international communication media which generate information from Venezuela to the world*”), the reduction of contents to five categories with nebulous definitions, the creation of programming blocks which impede many direct programs, the non-existence of the slightest reference to public service radio and television, and a military-style line of command in communications: Presidency of the Republic, Ministry of Information and Communications, director-general of the CONATEL, manager of Social Responsibility in Radio and Television, plus two ideas inspired by other projects and distorted here: the figure of the “independent producer” but with obligatory registration by the regime’s entity, and that of the “users associations” which here could be composed of up to 20 persons, which makes them more similar to “committees for defense of the revolution” than anything else.

The *pars destruens* does not end here; the diminishing freedom of expression of the opposition is no longer the regime’s exclusive target; the autocrat’s collaborators must also be silent. On January 13, 2007, by order of the president and of the MINCI, action was taken to close all the printing shops of the government – ministries and police bodies –

except that of the Presidential Palace, prohibiting employees on any level from offering declarations not approved by the MINCI or “*contrary to the discourse of the President of the Republic*”. A “*process of concentration of information in the figure of the President*”, as the NGOs Espacio Público (Public Space) and Transparencia Venezuela (Transparency Venezuela) have denounced, a perfect case of communicational autocracy which silences due to mistrust even its most direct collaborators.

The *pars construens*, we were saying, brought to the national scene an unprecedented protagonist, the State as a strong, proselytizing communicator. Compared to the squalid, symbolic public media group of the former democracy, today the regime includes: four national and international television stations, backed by some 36 quasi-public communitarian television stations, some retransmitted internationally; a constantly growing number of radio stations close to occupying half of the national dial, backed by 157 qualified quasi-public communitarian radio stations and even some 3,000 illegal ones according to the CONATEL; almost a hundred printed media plus another hundred quasi-public communitarian newspapers; a multitude of web sites including hundreds “of Bolivarian alternatives”, these latter repeated by numerous Latin and international sites. (All the media described here as quasi-public define themselves as “*self-managed media with resources from the State*”). This is without counting the impressive mass of printed, audiovisual and electronic media controlled by the Ministries of the Popular Power for Education, for Culture and for Science, almost entirely tilted toward ideological saturation work with buildings worth millions, dozens of resplendent non-autonomous universities, and even the official replanting of the new theoretical bases of a post-modern socialist science.

From the peak of this media Olympus already close to its perfect homogenization, the omnipresent voice of the supreme guide or *egemón*, another unique case in the worldwide history of communications. Until February 22, 2007, President Chavez had already pulverized all the preceding world records of presence on the screen or before microphones (more than eighty thousand minutes in seven years, a rate of 39 minutes daily seven days a week) imposing on the country’s radio and television around one thousand five hundred radio and television mandatory networks, more than 200 annually. But since February 23 he has begun to transmit his “*Hello President*” program every day from Monday to Friday for an hour and a half, four times by radio and once by television, which added to his other press conferences, declarations, celebrations, interviews and international meetings produces a weighted average no

longer of 39 but rather of 90 minutes per day on the air, a case which I am not bashful to describe as communicational priapism, unique in human history, worthy of multi- and interdisciplinary analyses which transcend folklore and personal pathologies to approach the very large theme of the extreme excess in Communication/Power relations. The dear colleagues of the region who are reading this will understand from this data which is unknown outside the country that for us Big Brother has long ceased to be a literary simile.

This operation with forceps on national public opinion: slow but inexorable minimization of a free pluralistic opinion and saturation of the media spaces with the regime's ideological messages, disseminated by supposedly public media and by imposed "networks", no wonder finally represents, in an analysis of the new communicational environment of Venezuelan society, a simple inversion of the sign for a relation of substantially identical dependence, the replacement of one hegemony by another and of the commercial message by the ideological one, in which one of the main broadcasters is now, exceptionally, the very president of the republic. The reality is more complex: the presidential allocution being at the same time a discourse of hate, social resentment and insults to the national and international opposition, this has produced in the country a strong Manicheism, in which both groups of users, perhaps due to the instinct for survival, have decided to radically ignore the counterpart's messages. Zero communicating vessels; to encounter today a Venezuelan from the opposition who consumes the governmental messages is almost impossible. In these conditions, it is highly probable that the government's immense persuasive effort only reaches already faithful users with mere reinforcing results, without much power to convince the rest of the country.

To our second question relating to the equilibriums Access/Participation and the present state of public freedom of expression in its six inseparable aspects, we will reply as follows:

- 1 ▪ The **free access to private and public sources of information** is traditionally an Achilles heel in Venezuela, a country of public servants and private businessmen historically little addicted to transparency, and of media owners who even today reject certification of circulation and the *audimat*. Despite its constitutional promises, the "Chavista" regime has reinforced public opacity by limiting even further the citizens' right to information, selectively and systematically preventing independent journalists' access to official sources and

branding them as agents of imperialism; a behavior coherent with the presidential style of publicly insulting local journalists and international correspondents who ask him embarrassing questions. The military principle of not informing or misinforming the “enemy” is today so consubstantial for the regime, that even the imminent reform of the Constitution has remained ironclad, by presidential decree, under a “*confidentiality agreement*” which prohibits even the presidency of the Assembly from giving the slightest information in that respect.

2 ▪ The **free reception of messages** suffers from the recently imposed limitations, but there are no obstacles at the moment to free access to international publications, by cable or network. The two main forms of restricting this freedom are: a) placing obstacles to or limiting the access to channels (for example in the thirteen countries that censure the Internet) or b) permitting free flow but spying on the content (case of the American Echelon system). The re-nationalization of CANTV (which again puts in the hands of the State, without embarrassing witnesses, telephone espionage), the coming launching of a satellite made in China with unknown technical characteristics and the surprising laying of an oversized Caracas-Havana optical fiber cable seemed to indicate some preference by the regime for the second formula, or for a mixture of both.

3, 4 and 6 ▪ **The free choice of the code, the channel and the receiver**, three great limitations present in different degrees in many places, especially in societies where censorship rules or where the absence of true public services makes it difficult to exercise, even in a vicarious way, these freedoms. In today’s Venezuela, the governmental monopolizing of more and more broadcasting channels which lose *ipso facto* their mission of “public service” and the self-censorship of the private media translated into more and more exclusion of free voices, have enlarged the old obstacles to the citizens’ free capability of exercising the freedoms mentioned. There remain the telephone and the Internet, especially this latter with its multifunctional capability for sending omnibus messages to predetermined targets, and with its enormous power for disseminating at will written texts, sound and fixed or moving images. The already mentioned re-nationalization of CANTV, as well as the desire manifested by members of the Assembly to deal on a large scale (and

not only in the cybercafés/minors aspect) with the topic of control of the network, allows us to predict other restrictions.

6•The free choice of the message is obviously the essence of all freedom of expression and today represents the most problematic aspects of communicating in Venezuela. On one hand, the State gigantism in media and its exclusively proselytizing use of them - in detriment to a minimum respect for the idea of "public service" – is converting the today preponderant State disseminating apparatus into an enormous systematic mechanism of prior censorship which only allows dithyrambs and praise for the regime to pass through without the slightest consideration for that "*veracious, timely, impartial and uncensored information*" as provided by Art. 57 of the Constitution. (The European Union´s Electoral Observation Mission during the presidential elections of 12/6/2006 observed for example in Chap. VIII of its report that the main public television station devoted 86% of its political spaces to Chávez, and a predominantly negative 14% to the opponent, Rosales). On the part of the large private media, the pressures for alignment and self-censorship also act as a filter. There remains a small battle-tested opposition media front to guarantee the survival of a Public Opinion not conditioned from above, within which it is worthwhile mentioning the beautiful episode of a disproportionate fine recently imposed for reasons of content on the newspaper *Tal Cual*, which was more than covered in less than 48 hours by contributions from its readers. The Venezuelan situation – I want to insist very especially on this – reconfirms that the freedom of use of the channel is today the *sine qua non* presupposition for the exercising of freedom of expression.

There remains for us to reply to the last question: to what extent is the operative part of Art. 19 of the Universal Declaration and of its regional and national derivatives applied today in Venezuela? Do the citizens have available reasonable opportunities to express themselves freely without being bothered? The preceding paragraphs contain adequate replies. There remains only the taking of a last general and comprehensive look at the problem.

A topic much employed by the autocrat and his government is that in Venezuela there is available ample freedom of expression. The writer, for example, does not know whether in one or two years he could still write freely this same contribution, but he declares that he has not

been bothered until now due to his opinions. Nevertheless, the facts are there, we will summarize them in the following paragraphs, and indicate that freedom to dissent is an asset which is every day more formal and rarer, more controlled and denounced, more put aside, minimized and demonized by the regime, cultivated by an always smaller number of people with more and more fear. Free to express ourselves but already without audiences, as an extremely new methodology for leading the country to despotism? Those of us in the profession have at times the impression that the opposition's voice tends to be inaudible, insofar as that of the *hegémon* has been occupying all the media spaces. At the end, this compulsive cloning of minds will produce in Venezuela also what the Cuban internal resistance has enlighteningly branded "*anthropological damage caused by a culture of dependence and totalitarian control*". The RCTV episode is today the universally visible part of a deep iceberg which is unceasingly growing and which is surely making our internal sea of liberty unnavigable.

We will express in this respect, to conclude, an explanatory hypothesis. The putting into effect of the so-called "socialism of the XXI century" on the part of the militarist regime incorporates a component up to now little considered: that of an unusually extended *tempo*, a type of *adagio* or *lento* on the order of decades, which would explain the autocrat's imperious pressure to be converted into a lifetime president by means of indefinite reelection. In this laboratory-country an unprecedented formula is probably being tested for totalitarianism through induced and assisted exhaustion of the opposition until a demise which would appear physiological, without brutally violating the standards of formal democracy. Seen with this background, the hangman's knot which little by little asphyxiates freedom of expression and communication becomes a coherent strategy for achieving well-known objectives: the overall control of a society, of its soul and assets. There will probably not be any sudden, massive elimination of free information, nor the reduction of a single newspaper, a single radio station or a single television station, but a governmental war of the third type, or guerrilla war, will continue without any let-up against the independent media, which makes them slowly vanish into political starvation.

The theoretical documents, declarations and facts underlying this hypothesis exist. It would remain to demonstrate whether the *pars destruens* – now seen overall – exhibits systematizing and planning. We will summarize for this purpose, and to conclude, the data provided by the former deputy and researcher Alberto Jordán Hernández, PROVEA and ESPACIO PUBLICO.

Jordán estimates that exercising the freedom to seek information, to express it and communicate it has produced in Venezuela in the last eight years fourteen deaths, a thousand wounded, the same number of arrests and three hundred trials and punishments, along a curve which starts with 38 attacks between 1999 and 2001, then rising to 567 in 2002 and to more than seven hundred in 2003, again dropping numerically in 2006 with 53 attacks, but with greater impact and depth, including six deaths (43% of the total of the “Chavista” period), with 36 cases examined by the Inter-American Committee for Human Rights. PROVEA quantifies at 188 the violations of freedom of expression in 2006, of which 111 were due to action of the State and 45 due to the latter’s omission, specifying that they reflect a 69% weighted increase with relation to 2005. ESPACIO PUBLICO enumerates 168 violations in 2002, 186 in 2003, 305 in 2004, 144 in 2005 and 150 in 2006 (943 in five years), and points out that “*the communication media occupy the center of the political confrontation*” and that in the last two years “*a trend has been observed toward the naturalization and social acceptance of the violence against the media and the communicators*”.

These indicators have the valuable characteristic of not only confirming the systematic nature of the violations of free communication, but also of revealing to us at the same time how much Democracy is slipping away from us in each one of them.

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