

# Public communications and freedom of information: Basic conditions for the Brazilian legislative media

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## Abstract

The present text analyzes the relation between public communications and freedom of expression in the public systems of information in Brazil. Its perspective derives from reflections on the outlets known as “media of the sources”, especially those maintained by the Legislative Branch. The liberal conception of freedom of expression favors the right of the journalists and of the means of communication in the management of the liberty of speech, in detriment of the free participation by the citizens and by the society in the public sphere.

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## Introduction

The difficulty to conceptualize public communications is one of the reasons of the present reflection on the legislative media as currently maintained by the Brazilian House of Representatives. In Brazil, the debate on the theme has taken place in the academic circles since the 1980s, at least – with the proposals of education for social reading by mass means of communications, and the analysis of alternative media, among others. Yet, the theme has been recently introduced to the public arena with the announcement of a project to create a television station by the Federal Executive.

The discussion also becomes more complicated in regard to the expression ‘public journalism’, and this is reflected by the lack of consensus among the journalists themselves and experts on the theme. In spite of being apparently obvious – after all, Journalism is by definition the activity of conveying the news to the public –, the expression contains theoretical problems that reflect on the practices of the profession. In a previous work, we have pointed at the lack of consensus on the concept among the professionals who act in the media outlets of the House of Representatives<sup>1</sup>.

In this article, our intention is to analyze the current relations between public communications and freedom of information, which, on its turn, are a theoretical and practical assumption of the liberal approach to the media and to Journalism. How do these two themes connect themselves in practice and what is the influence of a liberal perspective on the definition of public communications in Brazil? These are some of the questions that we intend to approach, in order to start a debate that needs to be deepened in the country. We do not have, therefore, the ambition of exhausting the topic or to provide definitive answers to the proposed formulations.

The debate on freedom of information leads to another issue that is equally relevant for the aims of this analysis: the definition of public communications in Brazil. The 1988 Constitution itself already includes the system of public communications, in a clear opposition to the private and state systems of media<sup>2</sup>, yet without precisely defining what types of outlets form each one of the systems. Thus, even though there is a certain consensus on the commercial (private) media, the constitutional separation between public and state systems produces several controversies among professionals and experts on the theme.

Among the divergences, one finds the inclusion of communications as practiced by state bodies of the three Branches under the label of “public communications”. The division established by the Constitution points at a conclusion that the state system is the system managed by the government, while the public system is managed by institutions of the civil society without the commercial logic of the private media. Such concept is adopted by the Glossary of Public Communications (*Glossário de Comunicação Pública* by Duarte; Veras, 2006), which also defines different types of public journalism (sponsorship-based, campaign-based, institutional, promotional, third sector) exercised by non-governmental organizations. However, even the experts on the theme find themselves forced to include in the field of public communications the television stations of the states (‘educational’ stations) and the legislative and university stations, along with the community stations and outlets of non-governmental institutions and foundations (Silva, 2006).

Other analyses highlight that in Brazil, the governmental communications have followed the logic of social communications, thus becoming a branch of public communications, instead of following the logic of public communications, as has taken place in other countries (Matos, 1999). They have thus favored a

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<sup>1</sup> See BERNARDES, Cristiane Brum. O conceito de jornalismo público nos veículos da Câmara dos Deputados. *Revista PJ:Br*, São Paulo, v. 10, p. 10, 2008.

<sup>2</sup> The Federal Constitution defines in its article 223 that “it is a duty of the Executive Branch to grant and renew concessions, permissions and authorization for the service of radio by sound, and by sound and image, bearing in mind the principle of complementarity for the private, public and State systems”.

communicative action with the aim of “*having an influence and control on the perceptions of the political theme through the mass means of communication*” (Matos, 1999, p.1), and they were not an action that involves the citizens in a “*participative [way], establishing a flow of communicative relations between the State and the society*” (Matos, 1999, p.1).

Such political choices have probably reinforced the conceptualization-difficulties of public journalism in the academic field, and, as a consequence, they have made the activities of the social actors more difficult. With the aim of aiding in the definitions required by the field of communications for developing a subsequent theory and practice, from the ethical and political standpoints, we have adopted in this study the assumption that political participation – expressed by the exercise of political rights and freedoms – is necessary for attaining the other rights, as well as the exercise of individual and social rights is fundamental for attaining political rights. In other words, “*to expand the citizenship rights depends on the ‘political capacity’ of the citizens, i.e. on the participative quality that has been developed*” (Peruzzo, 2002, p.3).

## **Freedom of information and citizenship**

In order to develop the reasoning of this article, we begin the discussion with the relation between the right to communication and the exercise of citizenship. According to the definition of Ramos (1993), the right to communication is broader than the mere right to information, which has been consecrated in the liberal doctrines. The basic idea is that it is not enough to be well-informed, or to receive information through the means of communication. It is also necessary that one should have the right to inform oneself, that is, to have broad access to the technical means that allow to inform and to be informed.<sup>3</sup>

In the current Brazilian constitution, there are two provisions on the links between the basic rights highlighted in the text: the free manifestation of thinking, prohibiting anonymity; and access to information as a right secured to all, with the protection of secrecy of the source when necessary to the professional exercise. Therefore, freedom of information and freedom of expression are two rights secured by the Constitution to the Brazilians. Furthermore, professional secrecy for journalists – one of the conditions for freely exercising the profession – is also secured.

The Theory of Citizenship worked out by T.H. Marshall divides the rights into three types, which would be gradually conquered by the populations living under democratic regimes: civil, political and social rights. Civil rights, also known as individual freedoms, include the freedom of thought and of expression, and are secured by the judicial system. On their turn, political rights, such as the right to political participation and representation, are incorporated by the parliamentary

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<sup>3</sup> For a more detailed discussion on the theme, see authors as: COSTA, A. M. da. (1979). *Liberdade de Expressão e Controle da Informação*, João Pessoa, Universitária. Universidade Federal da Paraíba; FURTADO, L. F.; MELO, S. M. (2011). *Liberdade de Expressão*. Available at <http://www.dhnet.org.br/dados/cursos/dh/br/pb/dhparaiba/5/liberdade.html> (Consulted on Mar. 25, 2011); and McGOLDRICK, D. (1994). *The Human Rights Committee - Its role in the development of the international covenant on civil and political rights*. Oxford: Clarendon Press.

institutions. Finally, social rights, such as economic well-being, education, welfare and so on, are the most difficult ones to be fulfilled (Moraes, 2007, p.260).

In more recent formulations, the rights are grouped into different generations, making explicit the order in which they would be conquered in the modern representative regimes, according to the researchers. The first generation of rights is based on freedom, in other words, is characterized by the civil and political rights. On its turn, the second generation encompasses the rights based on equality, which include the social, economic and cultural rights of the individuals who are members of a community. And the third generation of rights is based on fraternity and solidarity, and these rights are also called diffuse or collective rights, as they affect mankind as a whole. The right to the environment is an example of this type of right (Moraes, 2007, p.261).

The liberal rights, as a rule, are linked to autonomy. They have an individual character and demand an abstention by the public powers. In other words, they demand a sort of a negative obligation by the State (Moraes, 2007, p.262). On their turn, the social rights imply in the provision of a service or of a credit, that is, they are a positive obligation by the State, represented by its activities in favor of some sectors (Moraes, 2007, p.263). In this apparent opposition, it becomes clear that there is a relation between freedom and equality – two apparently antagonistic concepts that must be combined in democratic systems in order to secure the reach of all rights to the citizens.

In spite of this need to combine the spheres of freedom and equality, Liberalism has successfully publicized the idea that any type of public policy with a reference to the right to communication is a form of censorship, i.e. of controlling the free market by the governments. Furthermore, the modern societies have been convinced that the right to communication, contrary to other human rights such as housing, health, education and so on, must be left as much as possible to the laws of the market and to the private initiative, as only thus would such rights be effectively guaranteed to the population (Ramos, 1993).

More recently, such liberal perspective began to be questioned by many authors, among them Marc Ferry (2002), for whom the current conception of freedom of expression is generally associated to the claim for freedom of expression by the journalists and the private institutions of communication. Such view, according to him, is opposed to the principle of freedom of expression by the audiences. From the liberal view of the private press, this notion of freedom of expression serves only the economic interests of the communication companies, which claim “*a private freedom, as it is only the freedom of expression of the bosses and journalists*” (FERRY, 2002, p.5). For Ferry, therefore, this conception of freedom of expression turns out to be harmful to citizenship, as it institutionalizes and legitimates the private monopoly of criticism and opinion, based on the discretionary power of a professional category that has no political legitimacy to represent the opinion of the citizens.

Hannah Arendt (1999)<sup>4</sup>, on her turn, highlights that the meaning of politics is

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<sup>4</sup> The relation between politics and freedom as basic elements of the public sphere permeates the entire oeuvre of Hannah Arendt and is especially present in her book *The Human Condition* and in the essays of *O que é política* [‘What is Politics’]. For her, the basis of communication in the public space is the

freedom. Such principle is linked to freedom of expression and participation in the public sphere, which, from this perspective, is not limited to the freedom to receive information. Therefore, freedom of expression is something that ought to be broader, in order to include the right to express and receive information and opinions. The right to information is pointed as a consensus by several authors, and as something indispensable to the exercise of citizenship, yet not the only necessary condition for an effective citizen action.

Robert Entman (1989), for instance, believes that the current media system does not encourage true accountability, but only a 'fashionable rhetoric' (ENTMAN, 1989, p.20), as the political actors are stimulated to act according to the journalistic values, and not in order to reach the necessary public policies. Commercial journalism is not able to follow the basic conditions for the accountability of the governments. For the author, among these conditions for public control, one finds: the historical contextualization of the narrated facts, the diversity of perspectives and the explicit connections between the facts and the responsible authorities.

David Beetham (2005) also alerts that journalism in the private model can obstruct the fulfillment of the individual rights. The lack of pluralism in the ownership of the communication outlets is one of the main problems of the present societies, according to him. The lack of pluralism in the views of the media and the lack of public information for the citizens are obstacles to the fulfillment of the individual right to freedom of expression (2005, p.38). Such situations are worsened in the cases of monopolies or oligopolies of the means of communication, either in their State or private form.

Boris Libois (2002) highlights that, beyond the pluralism of the media and the ownership of the outlets, internal pluralism is necessary for public communications: not only an internal pluralism of opinions, but also of genders, of viewpoints and worldviews. He identifies pluralism (public forum) and objectivity (impartiality in the access and in the expression of the distinct ideas) as essential demands for public communications. According to this perspective, political censorship, economic control and media power are results of structural deformations of the media. On their turn, public communications must follow the principles of the public service: continuity, equality and mutability (Libois, 2002).

## **The adoption of the concept in brazil**

The concept of public communications is in discussion in Brazil, but there has not been a consensus among researchers. The emergence of this concept took place in Europe, especially in France, in the 1980s, with an emphasis on the communications of public institutions. In Brazil, the term has also been used since the 1980s as a synonym for State communications, generally as a counterpoint to the private media. But with the end of the military regime, the concept has been expanded and started to be understood as a synonym of convergence among communication, democracy and

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freedom among peers, without curtailments of the right to receive and transmit information and opinion.

citizenship, in a scenery that involves the State, the government, non-governmental organizations (NGOs) and other entities of the civil society (Oliveira, 2004).

As we have already highlighted, the Federal Constitution of Brazil establishes the complementarity among the systems of State, private and public communications. Therefore, in the present, there are three axes for the study of public communications: 1) Public Communications and Government (Public Institutions); 2) Public Communications and Society (Corporate Social Responsibility); and 3) Public Communications and the Non-State Public Sphere (Third Sector).

Such tripartite conception was endorsed in 1997 by the final document of the National Parliament of Public Relations (Charter of Atibaia), which affirms that public communications are a guarantee of citizenship, as a *“permanent process, based on the authenticity and transparency of the information that must mandatorily be disseminated by the instances that make the public power”*.

More recently, the Brazilian researcher Maria José de Oliveira (2004) has presented a concept that summarizes the several trends. According to her, the concept of public communications *“refers to the communication that takes place in the democratized public space, with the discussion of themes of public interest. This presupposes the involvement and active participation by the government, by companies, by the Third Sector and the civil society”* (Oliveira, 2004, p.9). Heloiza Matos (1999), on her turn, defines public communications as the *“process of communications established in a public sphere that encompasses the State, the government and the society; a space of debate, negotiation and decision regarding the public life of the country”*.

Elizabeth Brandão (2007) also admits the difficulty of reaching a concept of the term in Brazil. In a text that describes the emergence of the concept, she identifies five distinct areas of knowledge and professional activity involved: 1) Organizational communications, that is, the flux of information and opinions among organizations and their audiences; 2) Scientific communications, especially represented by scientific publicization; 3) Governmental communications, formed by governmental accountability and the setting of the public agenda; 4) Political communications, meaning the expression of political opinions by political parties and actors; and 5) Community communications, as a form of securing the right to information and communication.

Brandão summarizes the various formulations in an attempt to synthesize public communications as *“a communicative process that establishes itself among the State, the government and society with the aim of informing for the construction of citizenship”* (2007, p.9). That is, public communications go beyond the activities practiced by the governmental bodies.

For Pierre Zémor (1995), the domain of public communications is defined by the legitimacy of the general interest. In other words, it goes beyond the public domain, taken in a strictly juridical sense. The author reminds that the attributions of the public powers and the missions of the public services presuppose the constitutional, legal and regulatory provisions that are characteristic of a rule of law. Therefore, the public communications follow along with the application of norms and rules, and with the development of procedures; in short, they follow along with the public decision-

making. According to the author, the messages are initially sent, received and treated by the public institutions “on behalf of the people”, in the same way as acts, pronouncements and sentences are voted. Thus, such communication is necessarily located in the public space and under the citizen’s eye, as it must secure the general interest, and this implies in transparency. Public communications, therefore, are connected to the roles of regulation, protection or anticipation by the public service.

However, it is important to highlight that in France – the country from hence Zémor writes – there is a clearer distinction between government and State, which in Brazil, on the other hand, is much more tenuous. Thus, he separates public communications from institutional communications, i.e. he sets governmental and public communications apart. According to him, the most suitable parameter for that is to define the objectives of communications and to analyze them with the criterion of long or short term. The long-term objectives and actions form public communications, or institutional communications, whereas the political or governmental communications have more immediate, short-term objectives.

For Zémor, public communications serve a set of functions: a) to inform, that is, to take the themes out to the public knowledge, to account for and appreciate the State activities; b) to hear the public demands, expectations and questions through ombudsman services; c) to stimulate and strengthen the public debate and political participation; d) to contribute in order to secure and strengthen the social relations, stimulating the feeling of belongingness in relation to the collectivity and the expansion of awareness by the citizens as social and political actors; e) to follow up on the changes both of behavior and social organization; and f) to nourish civic knowledge.

Due to all these functions, the public communications have a complex relation with the recipient citizen. In public communications, the citizen is an ambivalent interlocutor. At the same time that he or she respects and submits to the authority of the public institutions, he or she protests at the lack of information, or at ill-constructed, incomplete or weakly publicized messages. As much as in the private company, also the public customer is a sort of a shareholder-customer, or of a subscriber who, having already contributed to the costs of the structure, must now pay for the service costs of an eventual complementation. As an elector, the user of the public service holds the power of decision vis-à-vis his or her provider, due to the fact that it is from the legislator or office holder at the federal, state or municipal level that comes the authority and the legitimacy of the policy and of the decision-making, as carried out by the representatives of the public power.

It is from this status of co-decision-maker and co-responsible that stems the ambivalence, perhaps even the ambiguity of this connection with the public system and of the criticisms of the user. In this relative empathy with the public service, the citizen expects a relation of paternalism. He or she desires to be informed, taken into consideration and heard. His or her criticisms take on a character of familiarity, of the type “I criticize precisely because I care”. The propensity to intervene justifies itself through the hope of seeing the procedures undergoing changes. Thus, the relation established with the citizen by the public services has neither the simplicity of the commercial relation, nor the clarity of the contract-relation. For the communication of a public institution presupposes an exchange with the receiver, who is also more or

less an emitter. In reality, the active characteristic of the receiver is what establishes the communication.

Pierre Zémor also identifies five categories of public communications, according to their mission: 1) to serve the obligation that the public institutions have of taking information to their audiences; 2) to establish the relation of dialogue in order to perform the role that falls to the public powers, as well as to allow that the public service will serve the needs of the citizen in a more precise way; 3) to present and promote each one of the services offered by the public administration; 4) to make the institutions known, both through internal and external communications; 5) to develop campaigns of information and communication actions of a general interest.

To these five categories, the author also aggregates another category of the communications of the public debate, which follows the decision-making processes and belongs to the political practice. He identifies that, based on these distinct missions, there are three different types of communications: of information and explanation; of promotion or appreciation of the institutions and their services; and of discussion of proposals for the debate on institutional changes.

In Brazil, former Minister of Social Communications Luiz Gushiken (2004) has also identified the principles of public communications, making an explicit reference to the communication practices that must be adopted by the communication outlets kept by the State, and highlighting the public role that they must highlight. The principles of public communications identified by him are eight: the right of the citizen to information, which is the basis for exercising the citizenship; the duty of the State to inform; the State zeal for the contents of information, education and social orientation; public communications must not be focused on the personal promotion of the public agents; public communications must promote dialogue and interactivity; public communications must serve as a stimulus to the involvement of the citizen with the public policies; the public services must be provided with quality of communication; public communications must be based on ethics, transparency and truthfulness.

The principles defended by Gushiken are quite similar to the concepts defended in France and serve as a basis for the discussion of all communications as undertaken by the Brazilian State. Are they really effective in reality or are they only serving more as rhetoric for action? However, even when they are not effectively applied, is there any gain in the normative defense of such principles by governmental authorities? Based on the political discourse, is it possible to implement more democratic communication practices? These are some of the questions that are on the table, and that demand studies on each one of these outlets or instances of communication maintained by the State in Brazil. Within the limitations of this article, let us briefly review some practices of State communications as carried out in the country.

### **Outlets of state or public communications?**

With the passing of time, the concept and the practices of organizational communication and their equivalent terms have been adapted by the academic and

corporate institutions. Thus, from being an allegedly “out of place idea”<sup>5</sup>, it has gained legitimacy and became a field of knowledge and a professional practice that served as a reference for new terms and new professional practices. Among the (not always admitted) communicational derivations and hybridizations, we highlight the institutional journalism as produced by the “media of the sources” – a concept developed by Francisco Sant’Anna (2006). According to him, the media of the sources are a Brazilian peculiarity consisting in the initiative of the public institutions to disseminate information through their own outlets. In the analysis of the author, the legislative outlets fall under this category.

In spite of highlighting that governmental communications in Brazil have followed the logic of social communications, and not of public communications, Heloiza Matos makes a distinction between the peculiarities of communications among the spheres of the Executive Branch and the communications of the legislative bodies. In the Executive, the image-work is much stronger, due to the personification of the work of the office holders. On its turn, in the Legislative Branch, the work with communications is much more connected to the transparency of the actions in the legislative procedures (Matos, 1999), in fact even due to the internal disputes and the representative character of contending groups – a characteristic that also makes of the Legislative the branch most affected by the lack of credibility at the moments of political crises.

Even though the author does not make it explicit in these terms, we can say that the dissemination of the acts of the Executive Branch is closer to political communications, whereas the dissemination of Legislative themes is closer to public communications. Along with other authors, Matos defends that “*the increasing increment in the political awareness and public debate has a vital importance for the independence of the Legislative and for the democratic well-being*” (1999, p.6). For this reason, the communications of the Legislative, according to her, need to have “*an intimate relation with the practice of citizenship*” (1999, p.6).

In the few studies carried out on the legislative outlets of communications, especially in Brazil, the channels and stations are seen as “*an auxiliary instrument*” in the process of building an effective popular participation in politics (Renault, 2004, p.136). They are seen as “potentially” important for the expansion of the democratic practices (Jardim, 2006), or even essential instances in the current legislative production (Cook, 1989).

A common point in the studies on the legislative outlets is the perception that their activities introduce significant changes in the process of legislative production itself (Cook, 1989; Freitas, 2004; Renault, 2004; Santos, 2005). Either in the increased attendance of parliament members at the plenary sessions and meetings of the committees, or in the increased length of their speeches, in the increased number of interventions, in the hiring of more press professionals or in the mere concern with an appropriate appearance and rhetoric for the electronic media.

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<sup>5</sup> The term was used by Roberto Schwarz in his article entitled “As idéias fora do lugar” [“the ideas out of place”], which analyzes the transposition of categories of analysis from distinct historical contexts and applied to different realities. In the field of communications, several concepts fit Scharz’ view, including the notion of public communications as imported from Europe.

Furthermore, some studies also point out that the coverage of the legislative outlets “*made a break with the monopoly of the commercial media in the definition of the public agenda*” (Santos, 2005, p.23) and allowed the homes of the citizens to have access to real-time and detailed information on the workings of the Parliament (Renault, 2004, p. 132). Yet, in spite of the democratic potential, other analyses point at the institutional difficulties for the attainment of public communications in the legislative outlets, such as the management model and the profile of the programs (Jardim, 2006).

The lack of a conceptual consensus on the role of the legislative outlets in Brazil and the character of the communications developed by them finds its counterpoint in the lack of clarity of the professionals who work in these outlets on their own mission. At the House of Representatives, a reflection-effort by the public servants of the Secretariat of Communications (SECOM)<sup>6</sup> led to the production of a Handbook of Composition for the media in 2004. In its text, one of the foremost functions of the media outlets is “*to contribute so that the organized segments of the Brazilian society may take an active part in the decisions reached by the members of the Parliament*” (Malavazi, 2004, p.24).

Further on, the Handbook defines that “*the criterion for estimating the importance of a news is its connection with the public interest: it will be the more valuable, the larger is the number of citizens that it affects in the economic, social, political and cultural dimensions*” (Malavazi, 2004, p. 24). The connection with the public communications is made explicit by the Handbook, as it emerges in order to provide the population with important information that is left aside as secondary news by the commercial media. Such is precisely the function to which the outlets of the House dedicate themselves. The Handbook also affirms that the outlets of the House

belong to the category of public communications as they are linked to the institution, but especially because they subordinate their daily activities to the concept of *public: that which belongs, dedicates itself or is related to the people, i.e. to the collectivity; that which is used by all, of common use; open to any person; known by all, in a manifest and notorious way* (Malavazi, 2004, p.25-26).

In spite of the official discourse of the Handbook of Composition, some studies point out that the political intention that provided the inputs for creating the communication outlets of the Brazilian Legislative was not only aimed at the population. As Santos affirms, the legislative outlets are “*institutional mechanisms created with the goal of rescuing, expanding or enhancing the character of political representation*” of the Parliament (2005, p.3). But the author highlights that in regard to the House of Representatives, the two main reasons for the creation of these outlets were

the increasing lack of capacity by most members of the parliament to occupy a space in the commercial media, and the exhaustion of the

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<sup>6</sup> The House of Representatives has a Secretariat of Communications (SECOM), which manages the activities of journalists and public relations. Under the SECOM responsibility, directed by a Legislative career-servant accepted through public exams, there are the TV Câmara, the Rádio Câmara and the area known as “written outlets”, including the newspaper Jornal da Câmara and the news-agency Agência Câmara.

elections process as the main mechanism of contact between parliament members and electors (Santos, 2005, p.16).

The institutionalization of a communications' policy aimed at approximating the Parliament, on the one hand, and the society and the citizens, on the other, is a recent process in Brazil whose landmarks were the creation of *TV Assembléia* in Minas Gerais in 1995 and of *TV Senado* in 1996, with the space that had been opened with the legislation on pay television. The House of Representatives has already had a radio service since 1961, responsible for publicizing the works of the program *Voz do Brasil* ["The Voice of Brazil"] since 1963, and a news bulletin that has been edited since 1971, and it followed the path of the other legislative bodies by creating its own outlets of electronic communications in the late 1990s. Along with *TV Câmara* and the 0800-phone service, which were created in 1998, the institution transformed its news bulletin into the *Jornal da Câmara* and started the works of *Rádio Câmara* in 1999. In 2000, its most recent outlet became active: the *Agência Câmara*. Since early 2006, there have been discussions for the creation of a Research Institute of the House of Representatives (*DataCâmara*). All these actions are elements of strategies to enhance the mechanisms of the relations between the Legislative and the society. The initiative of developing them emerged from a negative diagnosis of the legislative institutions on the image that they had constructed in the eyes of the society, from the role of the outlets of commercial media in this context, and from the possibility of changing it. But before the legislative initiatives, an entire set of outlets and mechanisms of state communications had already been developed in Brazil, since the Vargas era.

When one speaks about public television in Brazil, much before the creation of TV Brasil in 2007, the parameter that comes to the fore is that of TV Cultura, a station kept by the Padre Anchieta Foundation – a private-law entity. The management of TV Cultura is undertaken by a Curator's Council representative of the society, which chooses the directorship of the station. However, what happens is that the members of the council are all either directly (innate members) or indirectly (elected members) indicated by the government of the state of São Paulo, i.e. by the Executive Branch.

The Council has 45 members. 20 of them are innate due to their positions as managers of institutions connected to the government, with the exception of the representative of the Foundation's workers, whereas 25 members are elected after indication by the innate members. Furthermore, its funding is largely provided with resources of the government. In 2007, from a total R\$140 million, R\$80 million were provided by the government, and R\$60 million were obtained through cultural support and the commerce of products (Nazareno, 2007).

Thus, even though TV Cultura comes closer to public communications, it is still a State educational station, in spite of the fact that its managers and professionals insist in the label of a "public station" (Nazareno, 2007). Such is the current view among the researchers of the area, although we may also add some questionings. As Nazareno explains, the case of communications is different from other types of concessions and services by the State. For instance, no distinction is made between public schools and State schools. Indeed, the term "public school" refers to the schools kept by the State, i.e. either by the Union, the municipalities or the states.

The author makes this statement without mentioning the reasons for making such distinction. In his conceptualization, he affirms that the television station is public and independent of the government in administrative and financial terms, and that it represents plural interests not necessarily aligned with the interests of the government (Nazareno, 2007, p.5). As a parallel, one could compare the administrative independence of schools and health stations with the much-desired independence of the public stations. Obviously, the political issue involved in the field of communications is acuter than the educational or health issue, or else the same treatment would be dedicated to these instances. But for Nazareno, the international experience shows that television stations are different from schools or hospitals. Yet, we could question if it is not only in Brazil that such distinction takes place, precisely because the State-status does not have a public character in our country.

Further ahead, the author affirms that *“in practice, the inclusion of the direct participation by the society in the State apparatus represents the acceptance of the fact that the constitutional principles of impersonality and efficiency, which ought to rule the Administration, are not fulfilled in some cases”* (Nazareno, 2007, p.17). In other words, it is admitted that State stations favor the official interests, and that, for this reason, they seek the label of public stations. He defends inclusiveness in the sources of funding as the safest way to reach financial autonomy, highlighting that it is not the management model that can guarantee such autonomy (p.19-20).

For Nazareno, the former RADIOBRAS, along with TV Cultura, TV Câmara, TV Senado and TV Brasil in its current structure, are all State stations. For him, the legislative stations can have a higher level of autonomy and become public stations without being subjected by another power. In the present, they are stations that belong to the “public field”, but they are not truly public. He highlights that in Brazil, contrary to other countries, the TV service emerged as a private service, and when the State started its own activities in the area, it did not have the concern with forming a unified network of stations in the public field. Therefore, the 1998 Constitution corrects a previous problem (Nazareno, 2007, p.5), but it does not lay the foundations of a true public system of communications.

Therefore, the hypothesis of a public TV independent from the State and with social control has never been in discussion. After the start of State activities in the field of radio, the need was felt for social control of a part of the television stations. Thus, in 1998, taking into account the already existing State legacy, there emerged the distinction of the three complementary modalities (Nazareno, 2007, p.5).

According to Nazareno (2007), there are two types of public stations in the world: those in which the public power is the direct owner, and those that form themselves from networks of autonomous entities. The question of administrative independence is the key note of both models, through councils and other forms of funding (p.11). Therefore, in Brazil, only the community radios and the community channel of the pay television are really public (2007, p.11). The TV Cultura is not public, for instance, because its Higher Council is directly and indirectly indicated by the Executive Branch of the state, and the station does not have administrative and financial autonomy. According to the author, the principles of a public station are: a non-profit character; social participation; public and private resources; public

management and control of its resources; and the promotion of the free cooperation among the public televisions (Nazareno, 2007, p.12).

Nazareno mentions several examples of stations that he considers to be public around the world. The first of them is Great Britain's BBC (*British Broadcasting Corporation*), which is managed by a curator's Trust with 12 members indicated by the Queen, upon advice of the Ministry of Culture, and approved by the independent agency that analyzes the nominations of public bodies. The counselors have a fixed and remunerated mandate, and the Executive Directorship and the Director-General are subordinated to the council. The station also counts with total financial autonomy, as it is funded by the License Fee paid by the homes with a TV-set. Each one of the 23 million homes pays approximately 135 pounds per year, which results in a total collection of 3.1 billion pounds (approximately R\$11 billion).

Japan's NHK also has an Administrative Council and is funded by a tax collected for the broadcast television. But the Council is indicated by the Prime Minister and approved by the Parliament. The Presidents of the station and of the Executive Council are nominated by the Administrative Council. The station has the task of undertaking technological research. In the United States, the PBS (*Public Broadcasting System*) gathers 354 local stations as a network, which is coordinated by the PBS Foundation – a non-profit, private entity whose council is formed by representatives of the local stations. Its production is maintained by donations and cultural funds, along with a public fund.

In Canada, the CBC (*Canadian Broadcast Corporation*) is a national company with two channels of a nationwide reach and a large number of stations. The Prime Minister nominates the directors of the entity and most of its resources come from the budget, but a part of its funding is obtained through the commerce of products. On its turn, the *France Télévisions*, of France, is a holding that includes four stations considered of general interest, seeking to provide their services under the principles of plurality, quality, individual rights and constitutional compliance. The Administrative Council is its highest body, and the 14 members of this Council have a five-year term of office. They are indicated by the Assembly (of Representatives) and the Senate, the Executive Branch, the Higher Audiovisual Council (CSA) and by the employees. The CSA nominates the President of the Council and each channel has its own council. The conglomerate has an annual management contract with the Executive Branch, which is taken each year to the theme committees of the Congress.

In Germany, there are two public networks: the ARD and the ZDF. The ARD is an association of the channels of the states, and the ZDF is a national channel. Each station has two councils: an Executive Council and a Council of Programming. The licensing fee on the commercial stations is the source of 80% of the income, and the rest is obtained with an advertising-time of 20 minutes in the daily schedule of their programs.

## **Final considerations**

The adoption of the term *public communications* for communication-activities by the governmental institutions was presented in Brazil as a novelty, by adapting a concept

used by French authors, but in reality, such practice comes from the field of organizational communications. Even though there are effective differences among the practices of actors linked to the official institutions and the practices of actors of the civil society organizations in Brazil, many communication strategies in the public sector are incompatible with the principles of public communications, due to several reasons.

The first of them regards the genesis itself of the official systems of information in Brazil, which are strictly characterized by an informative character – meaning a unilateral transmission of images – and not by a communicative character, in the restricted sense of the term. In other words, in these systems there is an absence of instruments and tools that ally information to a capacity for an effective interactivity. A feedback channel – to use a functionalism-language – is absent. In these terms, the criticism of Paulo Freire applies as he presented it back in the 1960s/1970s. According to him, the cultural industry is characterized by the existence of *means of transmission*, and not by systems of communication (Freire, 1997).

As Matos (1999) highlights, in Brazil the communications of the government followed the logic of social communications and became a branch of political communications, instead of following the public-communications logic, as has taken place in other countries. Thus, a communicative action was favored with the goal of “*influencing and controlling the perceptions on the political theme through the means of mass communication*” (Matos, 1999, p.1), instead of a type of action that involves the citizens in a different, “*participative [way], establishing a flux of communicative relations between the State and society*” (Matos, 1999, p.1).

Thus, the characterization of governmental activities in communication as public communications, substituting former expressions such as political marketing or governmental advertisement, is a legitimacy-strategy of these activities by a State that does not wish to be taken for what it was in other moments in the country, notably at the period of Brazil’s Military Dictatorship (1964-1985).

Secondly, it is worth pointing out to the ideological nature of the official systems of information in Brazil, since the first initiatives, with a highlight on the periods of the *Estado Novo* (“New State”), of the military regime and of the redemocratization. In all these moments – emblematic as they are in the history of governmental communications in the country –, the initiatives were directly linked to the aims of parties, rulers and political regimes. It is not even possible to affirm that there have been State policies for the area of Communications in the 20<sup>th</sup> century. Instead, it would be more correct to identify, in the set of norms and legal rules enacted in each period, the fragmentary and personal policies that were put in practice by the Brazilian rulers with quite pragmatic goals.

As several authors have highlighted, each government changes the rules according to its interests, and each public institution acts as if it were a private corporation. In the light of this perspective, the organizational / institutional structure corresponds to an amplification of the individual will, with a particular primacy over the collective interests, and of the private over the public dimension, in the words of Barros (2000), applying the ideas of Gilberto Freyre to the field of organizational culture in Brazil.

Precisely in relation to this, the third point to be highlighted is the patrimonialist nature of the Brazilian State, characterized by the primacy of the private over the public dimension. In a few words, Patrimonialism can be understood as the encroachment of individuals upon the structure of the State aiming at their own profit as public managers. In some situations, their actions count with a legal endorsement, as the acts and norms that rule public administration are also approved, reformulated and adapted according to the circumstances and the political interests of the ruling elite.

From this perspective, the decision to create public systems of information was unilaterally reached by the rulers and other members of the ruling classes. They are initiatives that use the public interest as a justification by the authorities; their decisions are made “on behalf of the people”, “by the people” and “in favor of the people”, yet without the participation of the alleged beneficiaries. In short, they are projects that become a part of the bureaucracy of the public administration, backed by public-assistance programs with a paternalistic and, oftentimes, populist or authoritarian nature.

The outlets of these systems are created and designed under the convenience of the moment. In historical terms, they have been labeled as public relations, official press, institutional propaganda, institutional communications and social communications, to become “public communications”. The titles, therefore, are changed according to the social changes and the connotations of the expressions in the academic environment.

The expression *public communications* started to be adopted by the governmental institutions due to its legitimacy-appeal. It is a concept that yields several positive connotations, thus moving away from the worn out practices of State, governmental or institutional communications. The outlets of communication of the official bodies seem to have found a magical solution: by calling themselves institutions of public communications, they rejoice at ascribing a new meaning to their vicious communication-practices. They found a positive emblem to replace the stigmas of inefficiency, lack of interest and favoritism of the official views. The expression ‘public communications’, on its turn, invokes a symbolic image of transparency, popular participation, social engagement and interactivity – it is impossible to be more positive than this. One changes the package and launches an advertisement-campaign, as if such adman-logic – which manages to launch products, practices and brands already forgotten by the public back in the market – could also produce the same effect in the communications of the public bodies.

In the case of the legislative media, we also consider the pertinence and the relevance of adopting efficient mechanisms of interaction with the citizen, as the Parliament is a body of representation of the society. Thus, it is perhaps necessary to define with more emphasis and precision a policy of public communications for the outlets of the Legislative Branch in Brazil, favoring effective measures for collecting, recording and answering the demands of the many segments of society. Along with conventional tools of interactivity and participation, the system of legislative media needs technical instances to manage the relations with its audiences, e.g. an ombudsman-office and assistance services to readers, hearers, viewers, internet users and the like.

One may also highlight the need for formally defining a specific deontology for the

public systems of information, in order to reach a clearer definition of the institutional mission of the outlets and to aid them fulfill their role of mediators between the Parliament and the society. In the case of a deontology for public communications, it is essential to count with the participation by the users of the information services, as the institutions keep these services and the journalists who work in them are committed with the contents, the perspectives and the framing – or omissions – of aspects, themes, data and information. It would also be necessary to count with the collaboration by the representatives of the users, in order to organize and provide ethical guidance in the production and dissemination of information.

These ideas would help strengthen and provide legitimacy to the communications produced by the Legislative Branch. Thus, the conception of freedom of expression would be expanded and linked to the idea of democratic participation and to the practice of citizenship. The participation of the society and of the users is also important in order to avoid that the legislative outlets become identified as mere instruments of electoral connections, as amplifiers of parliamentary visibility or as parts of a system of management for the institutional reputation and public image of the members of the Parliament and of their committees, and of the Parliament itself.

The entire discussion on the role of the legislative media in the contemporary Brazilian democracy, and on its relation to freedom of information must also involve the new mechanisms of social participation and interaction of the electronic media with their audiences, as exemplified by the social networks. After all, such relationship-networks have become relevant mechanisms for the freedom of information in the current sociopolitical context. Therefore, a new study with this focus will be opportune and necessary in order to deepen the discussion that has been started through the present paper.

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