

A STRUGGLE FOR INFLUENCE. THE CONFLICT BETWEEN THE GOVERNMENT OF CRISTINA FERNÁNDEZ KIRCHNER AND GRUPO CLARÍN IN ARGENTINA

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ABSTRACT

This paper discusses the conflict between Grupo Clarín, the largest media conglomerate in Argentina, and the government of Cristina Fernández de Kirchner (2007–2015). In the course of the dispute, both sides have invoked arguments of free speech and democracy. In fact, the conflict between the Kirchner's government and Grupo Clarín should be seen in a broader context. The paper formulates a hypothesis that the actual Kirchner – Clarín dispute boiled down to the struggle for maintaining political and business-political influence within the country. The article uses qualitative methods, with multiple primary and secondary sources.

Keywords: Argentina, Grupo Clarín, Cristina Fernández de Kirchner, media conglomerates, Peronism, freedom of speech

Introduction

Argentina is the second largest South American country with a population of over forty-one million people. Therefore, it should come as no surprise that it is also one of the leading media markets in Latin America, with more than a hundred daily newspapers, several hundred radio stations and dozens of television stations. Argentines are among the biggest media consumers and Internet users in Latin America, with 86% of the population having access to the Internet (The World Bank 2020).

Nowadays in Argentina, as in the rest of the world, the growing importance of online media and digital platforms such as Facebook, Instagram or Twitter is clearly noticeable, having an increasing importance for the circulation of information. It is important to note that the Argentine media market, apart from being highly developed, is strongly concentrated and dominated by the private sector. Argentine media companies are mainly located in the Buenos Aires Metropolitan Area (AMBA)¹ and other large cities such as Córdoba, Rosario, or La Plata (Media Ownership Monitor Agenda 2019).

Argentina's largest and most important media conglomerate is Grupo Clarín. Funded after the World War II as a newspaper publishing company, it currently maintains a dominant presence in all media industries around Argentina. In addition to *Clarín* (the largest newspaper in Argentina both in terms of readers and circulation), Grupo Clarín includes a TV Channel 13, radio station Mitre, sports newspaper *Olé*, and several other magazines and regional newspapers. The conglomerate is also a major shareholder of Papel Prensa, the largest producer of newsprint in Argentina, and television sports channel TyC Sports.

Undoubtedly, subsequent expansion of the 1945-founded company would have not been possible if not for the positive relations maintained by the owners with country's authorities, including military regimes. Yet, Grupo Clarín's current dominance on the media market is primarily due to favorable legislation passed in Argentina after both the democratic transformation in the 1980s and the 2001–2002 economic crisis.

Clarín's traditionally amicable relationship with the Argentine government have drastically deteriorated during the presidency of Cristina Fernández de Kirchner (2007–2015) – a Peronist leader who came to power as a successor to her husband, president Néstor Kirchner (2003–2007). The dispute between the government and Grupo Clarín, with Fernández de Kirchner's attempts to limit the conglomerate's expansion and cut its dominant market share, became one of the major political conflicts in the post-crisis Argentina. It also prompted a discussion on the limits of media freedom in Argentina. On one hand, numerous anti-Peronist commentators as well as non-governmental organizations have accused Fernández de Kirchner of curbing the freedom of speech or even violating the Argentine constitution (Griffen 2012; Greenslade 2012). On the other hand, the pro-government circles have consistently emphasized the negative aspects of insufficient pluralism in the media market and its destructive effects on freedom (Piqué 2009).

This article is not aimed at determining whether either of the two sides claiming to fight for the freedom of mediatic expression is right. In fact, the conflict between the Kirchner's government and Grupo Clarín should be seen in a broader context. The article formulates a hypothesis that the actual Kirchner – Clarín dispute boiled down to the struggle for maintaining political/business-political influence within

1 Buenos Aires Metropolitan Area (*Área Metropolitana de Buenos Aires*, AMBA) is the agglomeration composed of the Autonomous City of Buenos Aires and 40 nearest districts of the Buenos Aires province.

the country. These deliberations aim to show that the freedom of speech arguments were merely a pretext to fight for particular interests of both sides.

The paper uses qualitative methods. *Clarín* website was a particularly relevant source for this research as it contains archived articles of the journal as well as historical covers of all issues. Articles posted on the website that had been published in *Clarín* between 2007 and 2015 were analyzed qualitatively. Articles thematically related to the government of Cristina Kirchner were considered relevant for the research. In addition, a qualitative analysis of *Clarín* headlines between 2007 and 2015 was also done for the article. The goal was to determine in what light (positive, neutral, or negative), the daily portrayed Cristina Kirchner and her government. This was complemented by additional qualitative research of multiple primary and secondary sources comprised of legal documents, academic articles, and books.

It is salient to note that the conflict between Grupo Clarín and the government of Cristina Kirchner has been a subject of extensive public discussion, including in the world media. However, it is not reflected in comparably broad academic studies. The research on government-media relations in Argentina has been taken up mainly by domestic scholars such as Sivak (2013), Repoll (2010) or Mochkovsky (2011). Some researchers such as Becerra and Mastrini (2001) or Di Tella (see Di Tella and Franceschelli 2011; Di Tella Di Tella, Liberti, McAra 2017) have conducted extensive research on the Argentine media market and published its results in both Spanish and English. The discussed topic, however, continues to show research potential that justifies addressing it in this paper.

The article is structured as follows. In the first section the history of Grupo Clarín, its expansion and relations with Néstor Kirchner's government will be discussed. The second section will elaborate on the circumstances in which the dispute between Clarín and the government of Fernández de Kirchner rose. The third, fundamental section of the paper will focus on the course of the conflict – the actions hitting the interests of Grupo Clarín as well as the conglomerate mediatic campaign against the government. The last section will present the findings and conclusions of the article.

Clarín's Rise to Power

Clarín was founded in 1945 by Roberto Noble – a former politician and lawyer for whom starting a daily was a way back to active public life. A catchy, tabloid format and casual narrative distinguished *Clarín* from other Argentine newspapers, allowing the new title to quickly establish itself on the market. As director of *Clarín*, Noble was particularly committed to maintain at least correct relations with state authorities, regardless of its political identification. Noble's „ideological flexibility” allowed his daily to change its editorial line according to political changes in Argentina. Thus, *Clarín* was one of the first newspapers to recognize Juan Domingo Perón's presidential victory in 1946, even though the daily had supported his opponent in the elections. Similarly, sympathetic attitude and Noble's personal

contacts with the Peronist administration did not prevent *Clarín* from supporting the coup that ousted Perón in 1955, and later endorsing candidates running for president with Peronism banned from elections (Mastrini et al. 2001, pp. 29–31).

Roberto Noble died in 1969 (during the military dictatorship with enjoyed the support of *Clarín* editorials), and his wife Ernestina Herrera de Noble became the paper's new director. Under the new management, the daily continued to grow both in terms of circulation and influence. Héctor Magnetto, hired in the early 1970s to sort out *Clarín*'s finances, allowed the daily to consolidate its market position and become the biggest national newspaper and one of the leaders in the Spanish-speaking world (Grupo Clarín 2009).

Despite the prevailing censorship, the 1976–1983 military dictatorship formed a crucial period for *Clarín*'s development. Pragmatic relations with the ruling armed forces (the daily was publishing mostly on non-political issues and openly supported the 1976 coup) allowed *Clarín* to become one of the major shareholders of Papel Prensa – the only newsprint factory in Argentina at that time. The daily was therefore able to secure access to the key material in the newspaper industry. It was also during the dictatorship when Héctor Magnetto took over the company's management and become a shareholder along with Ernestina Herrera de Noble (Mastrini et al. 2001, p. 36). *Clarín* was also one of the founders of *Diarios y Noticias* (DyN) News Agency, established in partnership with other Argentine newspapers in the aftermath of the military operation to reclaim the Malvinas (the Falkland Islands) in 1982. By the end of the military rule, *Clarín* could define itself as the country's largest and most influential daily (Kitzberger 2016, p. 452).

Democratic transition and the parallel processes of market liberalization allowed Magnetto and de Noble to expand their business to other media such as the radio, cable TV, and the Internet service. By buying shares in regional newspapers, the company was also growing territorially. *Clarín* evolved into a high-profile media conglomerate, formally established in 1999 as Grupo Clarín. Importantly, such a significant expansion of the Group would have not been possible if not for the favorable legislation under the Carlos Menem administration, such as lifting the cross-ownership ban (Gilsinan 2010, p. 3).

The economic crisis that struck Argentina in 2001–2022 left the media companies, including *Clarín*, struggling for securing its position in the market. The chance for stability came with the electoral triumph of Santa Cruz governor Néstor Kirchner. The new head of state took the presidency with only 22% of the votes when his opponent, Carlos Menem, pulled off from the runoff. Kirchner was defining himself as a left-wing politician and did not hesitate to criticize the neoliberal turn which had taken place in Argentina during the 1990s and which had been strongly beneficial for media groups such as *Clarín*. However, it is salient to note that the circumstances of Kirchner's electoral victory left him with a very weak legitimacy. Moreover, unlike his wife Cristina who was broadly recognizable for serving as a National Senator, Néstor was practically unknown among the Argentine public. In this context, the relationship with media conglomerates, and particularly Grupo Clarín, became of strategic importance for the new president (Kitzberger 2016, p. 453). Kirchner

did not believe in media's objectivity and wanted to have a powerful player on his side. Additionally, he was convinced that the recipients of Clarín's outlets form a core group of his voters (Sivak 2013, p. 13).

One of the first decisions that Kirchner took as a president was sanctioning a law that the Congress had approved prior to him taking office, establishing a 30% limit on foreign direct investments in Argentine media companies (Ley 25.750. *Preservación bienes y patrimonios culturales*, 2003). The regulation was strongly lobbied by Clarín as a tool to prevent foreign creditors from taking over its assets (Kitzberger 2016, p. 454). The Group's answer to the law, as well as to other regulations (Clarín was favored by several government's licensing decisions) was a clearly sympathetic narrative, maintained in Clarín's outlets throughout the Néstor Kirchner administration. Kirchner himself developed close relations with Héctor Magnetto, with whom he was meeting regularly. There is little doubt that the relationship between the President and the Clarín's CEO was of a clientelistic nature. As Mochkofsky (2011, p. 158) states, Kirchner believed that a „good deal” system with Clarín would guarantee him a reciprocal „good deal”.

Less than a week before handing over the office to his wife Cristina², Néstor authorized the merger between two of the biggest cable TV providers – Cablevisión and Multicanal. The transaction led to the creation of one of the biggest cable TV operators in Argentina (and one of the biggest in the world), representing more than 80% of Clarín's revenues (Mastrini et al. 2001, p. 8). Little did Kirchner know that the mutually beneficial, clientelistic relationship with Clarín would end spectacularly at the very beginning of his wife's presidency.

The Agrarian Strike as a Turning Point

The beginning of the conflict between Grupo Clarín and President Cristina Fernández de Kirchner is inextricably linked to the so-called agrarian strike of 2008. The protests of agricultural producers who opposed the government's resolution to rise export taxes has plunged the country into the biggest political crisis since the 2001/2002 economic collapse and is often described as a main catalyst for current socio-political polarization of Argentine society (Grimson 2019, p. 367).

On the 11th of March 2008, the Argentine minister of Economy Martín Lousteau announced that a new law would be established to introduce a new sliding-scale tax system on agricultural exports (Resolución 125, 2008). The tax level was to depend on the evolution of international prices, which would mean an immediate rise of tariffs on soybean – Argentina's main export product from 35% to 45% (Hora 2010, p. 83). In response to the new regulations, the main associations agricultural entrepreneurs announced a nationwide strike aimed at forcing the government to withdraw from the project. Mass protests and state-paralyzing roadblocks continued in various parts of the country for three months. Despite strong criticism from

² Néstor decided not to run for re-election in 2007 to promote his wife's candidacy.

Cristina Fernández de Kirchner, who accused the agrarian sector of being extorsive and unwilling to redistribute fairly, the strike won considerable public support, including from the urban middle class (Casa Rosada 2008). Many were convinced that reaching out to the wealthy farmer group was motivated by rising public sector spending and the government's reputational need to maintain fixed electricity prices. The „people-oriented” narrative of the Kirchners (not only Cristina but also Néstor, who often spoke out in defense of the government's economic policy) presenting the tax as a commitment that every Argentine must make to his or her country, did not gain universal support (Rzezak 2008, p. 86). Eventually, under pressure from the opposition, the government decided to put the resolution to the vote in Congress. However, the tie-breaking negative vote of Vice President Julio Cobos resulted in both repealing of the resolution and the breakdown of the ruling coalition.

The agrarian strike was extensively covered by the major Argentine media, including Grupo Clarín's outlets. The daily made the rural conflict its leading topic – it was featured on the front pages of 122 out of 127 *Clarín* issues published between March and July 2008 (Zunino 2015, p. 95). *Clarín's* narrative, relatively sympathetic to the protesters, was badly received by the government. President Fernández de Kirchner did not hesitate to criticize the mainstream media for its biased coverage. She claimed that its attitude towards the strike was dictated by the Group's economic ties with the agricultural sector. Government supporters were also critical of the way *Clarín* was reporting on the economic situation, especially inflation and unemployment rates. Kirchner herself was accusing the media of manipulating information to worry people. It was not long before slogans such as „Clarín lies” (*Clarín miente*) or „All negative” (*Todo Negativo*) started to appear in public spaces around Buenos Aires, becoming a symbol of the conflict over time (Di Tella et al. 2017, p. 6).

In fact, the reasons behind *Clarín's* change of tone towards the Kirchners are complex and difficult to verify unequivocally. According to Mochkovsky (2011, p. 183), Héctor Magnetto saw the conflict with the agricultural sector as unnecessary, and in the long run, harmful to the government. *Clarín's* CEO was aware that the Kirchners had stood against a social group much broader than the farmers themselves. Importantly, many of the strike supporters were also the main recipients of *Clarín's* media outlets. Considering this, Magnetto was not willing to join the fight that was doomed to failure, nor praise the government for policies he believed to be flawed. Unfortunately for him, the Kirchners were particularly oversensitive about their media coverage. Both Néstor and Cristina would treat every headline critical of the government as a personal attack against them – especially if it was coming from leading media outlets (Mochkovsky 2011, pp. 144–145).

The outbreak of the conflict between the government and Grupo *Clarín* was largely a result of personal resentments between Héctor Magnetto and Cristina Fernández de Kirchner. It is important to note that Magnetto's relationship with Cristina was not comparable to the one he had with Néstor. *Clarín's* CEO was not supportive of Kirchner's decision to step down as a head of state and hand the party's nomination over to his wife – he repeatedly urged the President to run for

the re-election (Ibarra 2015, p. 306). Cristina herself was taking such pressures very personally, as a sign of Magnetto's reluctance toward her. Years later, she admitted feeling lack of support from Clarín's outlets since the very beginning of her presidential campaign (Fernández de Kirchner 2019, pp. 530–531).

Fernández de Kirchner vs. Grupo Clarín

Clarín's critical coverage of the Kirchner administration did not cease with the Senate's rejection of the tax policy bill. Negative articles continued to appear addressing cases of corruption and the Kirchners' rapid enrichment while in office (Di Tella et al. 2017, p. 6). Such allegations were strongly rejected by the President who started to verbally attack the Group. Already in 2008, the government's officials were formally prohibited from contacting Clarín's journalists (Mochkovsky 2013, p. 87). Importantly, Fernández de Kirchner's aggressive narrative towards the Group gained support from a segment of the public, particularly those already sympathetic with Kirchner's agenda. This led to a significant deepening of polarization within the society, where support for the government meant automatic opposition to Clarín and *vice versa*. Fernández de Kirchner was also blaming Clarín for her coalition's loss in the 2009 legislative elections, which saw the Peronists lose their majority in the lower house of Congress. Unquestionably, the Group's outlets were openly campaigning for the Kirchner's opponents, never hesitating to reveal the government's errors.

In August 2009, the government presented a project reforming the existing media law. The new bill was aimed to deregulate the media market by significantly reducing the number of broadcasting licenses that could be held by a single company and by prohibiting cross-ownership in telecommunications and broadcasting companies. The new Audiovisual Law was directly affecting the largest shareholders in the market, with Grupo Clarín as the main player.

The stated explanation for proposing the law was to make the new information and communication technologies cheaper, more democratic, and universal (Ley 26522, 2009). The fact that the previous law regulating the media market dated back to the military dictatorship was also presented as a deciding factor. Decision to replace the 1980 Broadcasting Law was also to be consistent with the Kirchner's propitious position for accounting those responsible for crimes committed during the military rule. Indeed, it was during Néstor's term when the state acknowledged its formal responsibility for violence and human rights abuses under the 1976–1983 dictatorship (Repoll 2010, p. 37).

Yet, the project met with tremendous opposition from the biggest media groups. As the Clarín's front-page headline from August 28th reads, „[The government] introduces law to control the media” (Presentan la ley para controlar a los medios 2009). Clarín's outlets portrayed the new regulations as a political assault on civil liberties, with them being the last Argentine bastion of free speech. However, the motives driving the two sides of the conflict were far from idealistic.

Primarily, the Audiovisual Law was posing a threat of substantial financial losses for Grupo Clarín, both in terms of money and influence. The conglomerate owners were concerned that they would be forced to sell some of their shares to entities sympathetic to the government, which in time would lead to Clarín's downfall as a leading media player in Argentina.

It is important to stress that Clarín's overwhelming dominance of the market was indeed controversial and had been a subject of repeated criticism even before the dispute with Fernández de Kirchner emerged. In 2004, while Néstor was still a head of state, a Coalition for Democratic Broadcasting (*Coalición por una Radiodifusión Democrática*, CRD) was formed to advocate for replacing the Broadcasting Law passed by the military regime. The initiative broad together smaller broadcasters, human rights activists, and communication scholars. Its founding document consisted of 21 points (a symbol of 21 years that had passed since the end of the dictatorship) in which information was treated as a public good that should be accessible on a democratic basis (*Coalición por una Radiodifusión Democrática*, 2004).

Since its creation, Clarín's growing dominance of the media market had been one of Coalition's primary concerns. Yet, CRD's demands had not been relevant for the government, which was still very sympathetic to media conglomerates at that time. Néstor Kirchner himself refused to meet with representatives of the CRD, openly admitting that media law reform was not on his government's agenda (Mauersberger 2016, p. 96). This approach changed with Cristina Fernández de Kirchner's rise to presidency, and especially with the agrarian strike. The public flare-up of tensions between Fernández de Kirchner and Grupo Clarín was the main reason for including the 21 points in the discussion on the media market (Segura 2011, p. 94). The purely political motivation to pass the Audiovisual Law was also confirmed by the haste in which the bill was processed in Congress. Fernández wanted the new law to be passed before the Congress changed its composition following the Peronists' loss of the legislative election. Hence, it had to be done by December 2009. The rush imposed by the government was heavily criticized by part of the opposition, with some of its members being prevented from speaking up during the session in Congress (Mauersberger 2016, p. 102). The Audiovisual Law was eventually passed in October, eliciting cheers from the social sector and massive criticism from major media outlets.

The rapid process of changing the media law in Argentina was the subject of intense public debate. Grupo Clarín responded with a massive attack on the government in all its media outlets. One of Clarín's columnists, a distinguished journalist Julio Blanck, admitted that during Fernández de Kirchner's presidency his editorial was doing „war journalism” against the Kirchners (Rosso 2016). According to the research by Repoll (2010), as many as 94 out of 124 Clarín's front page headlines from 1 September to 12 December 2009 referred directly or indirectly to the Kirchners, with 80 of them being clearly against the government. The

Group also refused to comply with the new regulations and started a legal battle concluded in the Supreme Court.³

The Audiovisual Law was not the sole factor fueling the spiral of hatred and accusations between Grupo Clarín and Cristina Fernández de Kirchner. Simultaneously, a number of political, juridical, and administrative measures were undertaken by the government to undermine Clarín's credibility and position on the market (Kitzberger 2016, p. 463).

Already in 2009, the Federal Broadcasting Committee – an agency responsible for regulating Argentine radio and television – withdrew its consent to the merger between Cablevisión and Multicanal (both owned by Grupo Clarín) which had been approved at the end of Néstor's presidency. The official reason for reversing the decision was not complying with antitrust law and with the new Audiovisual Law (La Prensa 2009). The authorization was officially cancelled by the government in March 2010. Subsequently, Cablevisión (since 2010 the two entities were operating under a single name) filed a complaint against the decision. The case went through the courts for years. Surely, cancelling the merger was seen by some as a reversal of the damaging decision made by Néstor Kirchner (Di Tella et al. 2017, p. 7). On the other hand though, it is hard not to see this action as an act of replacement of one political decision with another political decision, with very little to do with the common good or freedom of speech. The same can be said of the government's attempt to revoke the IPS license of Clarín's Fibertel in August 2010 (Smink 2010). Even though the decision was later overturned, many users had already switched providers, fearing the loss of Internet access (The Economist 2010).

Another way to reduce Clarín's influence was to revoke the conglomerate's soccer broadcasting rights it had held since 1991. In August 2009, the Argentine Football Association (*Asociación del Fútbol Argentino*, AFA) announced cancellation of its contract with Clarín's owned sport communication company Torneos y Competencias that had been monopolistic in soccer transmission. As AFA's main partner, Grupo Clarín owned rights to both international and local transmissions, mostly via the extra-paid cable channel TyC Sports. However, as Albacares and Duek (2013, p. 103) note, the relationship between AFA and Clarín was mutually beneficial. The latter was provided with exclusive sports content allowing for huge profits. The former had secured a favorable media coverage despite the lingering corruption allegations against longtime AFA President Julio Grondona.

Clarín's previously owned broadcasting rights were transferred to the government which offered a significantly higher transmission fee than that paid by its prior owner. From that point on, the matches were to be broadcast for free via a new project called *Fútbol Para Todos* (Soccer for All). When announcing the new contract, Cristina Fernández de Kirchner gave one of the most controversial

3 In 2013, the Argentine Supreme Court ruled on the constitutionality of the media law, which forced Grupo Clarín to comply with its regulations. However, in 2016, under the leadership of then-president Mauricio Macri, the law was partially amended by a decree which eliminated several provisions prohibiting concentration in the media market (Decreto 267, p. 2015).

speeches in her political career. By comparing Clarín's private monopoly of soccer transmissions with the dictatorship's disappearance (Kirchner spoke of „confiscation of the goals”), the President faced criticism from a wide range of human rights advocates, including the Argentine Nobel Peace Prize winner Adolfo Pérez Esquivel, who characterized Kirchner's words as „outrageous” (El País 2009). Cristina herself was presenting the creation of *Fútbol Para Todos* as a great step towards democratization of Argentine society (CFK Argentina 2009). However, the enormous cost of the project, especially given the deteriorating state of the Argentine economy, encouraged to see *Fútbol Para Todos* as a purely political ploy (Di Tella et al. 2017, p. 7).

One of the main tools used by Argentine governments to support media ventures sympathetic to their cause is the so-called *pauta oficial* – the government advertising. Even though both Néstor and Cristina increased the *pauta oficial* budget, its distribution remained scarcely transparent (Crettaz 2019, p. 99). In 2012, Grupo Clarín's share of government advertising was as low as 1%, with simultaneous increase of resources given to several pro-Kirchner media. Fernández de Kirchner ignored the 2011 Supreme Court's decision stating that the *pauta oficial* had been unfairly distributed, which carried dangerous consequences (Di Tella et al. 2017, p. 8). Indeed, the amount of funds provided to Kirchner's allies (called „colonization of the media space” by Clarín spokesman Martin Etchevers) not only contributed to the decline in the quality of journalism, but also deepened media dependence on the government, with several smaller pro-Kirchner outlets being entirely dependent on official advertising funds to survive (Rafsky 2012a, pp. 5–6). Moreover, as Di Tella and Franceschelli (2011) state, there is a strong correlation between a monthly government advertising increase and the decrease in front page coverage of government-related corruption scandals. It is also important to remember that Grupo Clarín did not protest against unequal and poorly regulated government advertising distribution when it benefited from it. Even as recently as during Néstor Kirchner's administration, the Group received 15–20% of total *pauta oficial* (Di Tella et al. 2017, p. 5). Back then, the Group's CEOs and editors did not express concern about the money being transferred mostly to large conglomerates. In short, distribution of *pauta oficial* was a stark example of a clientelistic arrangement by which Clarín has gone from being the biggest beneficiary to the biggest enemy.

Another measure undertaken by Cristina Fernández de Kirchner to undermine Clarín's credibility was aimed to tie the Group, both personally and institutionally, to crimes committed during the 1976–1983 military dictatorship.

The personal link concerned the adoption of two children by Clarín's owner and CEO, Ernestina Herrera de Noble. The siblings Felipe and Marcela were adopted during the dictatorship, which raised suspicions of illegal abduction of children of political dissidents (Sosa 2014, p. 23). Shortly after the Audiovisual Law was passed in 2009, Fernández de Kirchner publicly endorsed Grandmothers of the Plaza de Mayo, the politically sympathetic human rights organization dedicated to finding illegally adopted children and demanded a court order for DNA testing of the de Noble siblings. Fernández de Kirchner's statement was received

as an attempt to put political pressure on the judiciary, as well as a personal vendetta carried out without regard for the de Noble family's right to privacy. If the test had been positive, the already elderly Ernestina would have faced prison. Felipe and Marcela were eventually court-ordered to take a DNA test, yet the results proved to be negative – both Ernestina's daughter and son turned out to be unrelated to the living descendants of the disappeared. The entire case was finally closed in 2016 (Scribner 2017, pp. 26–27).

The institutional link connecting Clarín with the dictatorship dated back to 1976 and concerned the Group's shareholding of the largest Argentine newsprint factory Papel Prensa. The circumstances of the share purchase transaction became the subject of legal investigation by the administration of Cristina Fernández de Kirchner. In August 2010, the president presented the report „Papel Prensa, the truth” detailing the appropriation of the company by the three leading newspapers, *Clarín*, *La Nación* and *La Prensa*, in complicity with military dictatorship officials. According to the report, the original owners of Papel Prensa were forced to sell the company while one of them was forcibly kidnapped by the armed forces (Presidencia de la Nación, 2010). Favorable coverage of the dictatorship maintained by Clarín since the 1976 coup was to be further evidence of the company's complicity in human rights abuses. The Group executives denied the accusations, claiming that the Papel Prensa share purchase was rigorously investigated after the democratic transition and no link was found between the transaction and kidnap of the owner (Papel Prensa, lo que hay que saber, 2010).⁴

Apart from investigating the circumstances of Clarín's acquisition of Papel Prensa, in December 2010, the Argentine Congress passed a law declaring newsprint production a „public interest” which required special regulation. Papel Prensa was thus forced to sell newsprint at equal price to all clients, and – under the threat of state intervention – fully satisfy the domestic newsprint demand (Rafsky 2012b; Mauersberger 2016, p. 106). As in the case of the audiovisual law, both the government and Grupo Clarín invoked the press freedom arguments to defend their positions. According to the government, the new legislation was to cut through the monopolistic position of the largest conglomerates dictating newsprint prices, and by that democratize the media. Clarín, on the other hand, saw the regulation as a step towards state takeover of the company, and thus as an indirect assault to the freedom of expression and media independence (Rafsky 2012b). It is also important to note that the conflict between the government and Grupo Clarín led to a deepening of divisions throughout Argentina's media environment. The dispute gave rise to the so-called „militant journalism” identified with Kirchnerism and „independent journalism” standing in opposition to the Kirchners and the Peronist movement (Mastrini et al. 2016, p. 44). Such journalistic polarization in Argentina

4 The lack of evidence linking the sale of Papel Prensa to crimes against humanity committed during the dictatorship was confirmed by a December 2016 court ruling (Poder Judicial de la Nación 2016).

persists to this day, which undoubtedly affects the overall social polarization in this country.

Conclusions

The Argentine government's dispute with Grupo Clarín came to an end in 2015, with the end of Cristina's term and the assumption of presidential office by a right-wing politician with business ties, Mauricio Macri. The new president changed a number of laws that were hitting major conglomerates, allowing his government to enjoy favorable media coverage. In this context, it can be argued that the media-hitting laws passed during the Cristina Fernández de Kirchner government did little harm to Clarín. Nowadays, under the Peronist government of Alberto Fernández (in which Cristina serves as a Vice President), the authorities' relations with Grupo Clarín remain chilly, though far from the escalation seen in the past.

As indicated in this article, the conflict between Cristina Fernández de Kirchner and Grupo Clarín erupted for political reasons. It resulted from a change in the arrangement that had prevailed between the conglomerates and Néstor Kirchner's government. During Cristina's term, the fight for freedom of speech and democracy has become a convenient excuse for both Clarín and the government to maintain its privileges. The former used freedom slogans as a tool to retain its former influence and profits resulting from a monopoly position. The latter, on the other hand, wished for a favorable coverage from the country's largest media outlet. Paradoxically, the media attacks on the Kirchners by Grupo Clarín were possible because of acquiescence to the creation of media monopolies by the Kirchners themselves. In sum, it was not Clarín itself nor the government of Cristina Fernández de Kirchner that posed a threat to freedom of speech in Argentina. The dispute between the government and the media outlet shows that the real threat to democracy and individual freedoms are clientelistic networks, corruption, or lack of transparency in the management of public funds. Sadly, the issue discussed in this article presents only a fragment of this negative phenomenon.

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STRESZCZENIE

Walka o wpływ. Konflikt między rządem Cristiny Fernández de Kirchner a Grupo Clarín w Argentynie

Niniejszy artykuł przedstawia konflikt pomiędzy Grupo Clarín, największym konglomeratem medialnym w Argentynie, a rządzącą w Argentynie w latach 2007–2015 prezydentką Cristiną Fernández de Kirchner. W trakcie trwającego przez całą kadencję Kirchner sporu

obie strony powoływały się na argumenty dotyczące wolności słowa i demokracji. W rzeczywistości jednak konflikt między rządem Fernández de Kirchner a Grupo Clarín postrzegać należy w szerszym kontekście. Artykuł formułuje hipotezę głoszącą, że faktyczny spór na linii Kirchner–Clarín sprowadzał się do walki o utrzymanie wpływów politycznych i biznesowo-politycznych w kraju. W tekście zastosowano metody jakościowe, wykorzystując szereg źródeł pierwotnych i wtórnych.

Słowa kluczowe: Argentyna, Grupo Clarín, Cristina Fernández de Kirchner, konglomeraty medialne, peronizm, wolność słowa

