Corporate Power and the Philippine Public Sphere

The Philippine Daily Inquirer and the NBN-ZTE Scandal of 2007

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This paper approaches the debate on corporate power through a framework informed by Habermas's concepts of the legitimation of political orders. It problematizes corporate power as a new political order that needs to extract legitimation from the public, and the agenda-setting power of the mass media as a strategic asset in achieving this end. Through a case study of the Philippine Daily Inquirer's coverage of a high-profile issue involving both corporate and state malfeasance—the so-called NBN-ZTE scandal—this paper shows that corporate power was portrayed as non-political and outside the realm of public scrutiny, accomplished through three features of the coverage: a low amount of coverage on the theme of corporate malfeasance; the construction of the involved corporation's identity that emphasized its nationality above all other aspects, including ownership, control, and corporate history; and lastly, the representation of its actions as either devoid of agency, or as the responsibility of other agents. The study also identifies processes and institutions relating to the production of news by the Inquirer and the definition of issues by agents in society, particularly the Philippine Senate and members of the public, which accounted for this portrayal. Finally, the study explores the possibility that the legitimation of corporate power, in the Philippine context, may be achieved by the complete circumvention of the democratic pressures of the public sphere.

THE CURRENT CORPORATE POWER DEBATE

A prominent aspect of debates on globalization has to do with the power of multinational corporations (MNCs). Large corporations have grown substantially in number over the past thirty years, from 7,000 in 1970 to 37,000 worldwide in 1994. In the last years of the 20th century, MNCs were responsible for almost one-third of global economic output and accounted for fully 70% of global trade (UNRISD, 1995; De Rivero, 2001). It is argued that this tremendous economic power allows large MNCs to wield equivalent political power. As it is perceived that this newfound power has not been accompanied by commensurate responsibility and accountability, MNCs have become a target of frequent criticism and heated debate. They consequently exert considerable lobbying influence on the governments of industrialized countries, which in turn practice "surrogate diplomacy" (De Rivero, 2001, p. 49) on their behalf at trade policy negotiations, usually with the end goal of gaining access to new markets and arriving at favorable policy arrangements. The developing countries of the South, on the other hand, are at the mercy of these MNCs' power to choose investment destinations that are more willing to accommodate their operational needs: in policy terms, lax environmental, labor, human rights, wage, trade, and other regulatory policies. The global reach of MNCs allows them to circumvent attempts at regulation that end at national boundaries, their operations effectively beyond the reach of laws. Meanwhile, attempts at international regulation have reached dead ends: most notably, the United Nations Commission on Transnational Corporations produced several drafts of a code of practice, which governments from the North and the South were unable to reach a consensus on. All this, as increased liberalization and deregulation afford MNCs greater freedom, and as mechanisms that effectively penalize governments that attempt to exert greater control over them are put in place (UNRISD, 1995). Thus the term "transnational corporations" (TNCs), which draws attention to the

ways that the power wielded by these entities transcend sovereignties and usurp states.

This characterization of corporate power, however, is far from consensus. Critics of the idea of transnationalized corporate power contest that corporations have yet to truly transcend the power of states, that existing policies as well as self-regulatory mechanisms assure that corporations behave responsibly and accountably, and that the trends described by anti-corporate activists have actually resulted in better and cheaper products to the benefit of global consumers, higher wages and labor standards in investment destinations, while at the same time propagating and universalizing certain ideals, such as democracy, respect for human rights and the environment.

PUBLIC PERCEPTION OF CORPORATE POWER: AN ALTERNATIVE APPROACH

Perspectives on either side of this debate are dominated by two epistemological approaches. They take the form of either critical interpretations of existing economic data (e.g. UNRISD, 1995; Hirst & Thompson, 1996; De Rivero, 2001), or of rich narratives describing corporate power at length, often from the standpoints of social movements or of investigative journalism (e.g. Klein, 2002; Hertz, 2001; Legrain, 2002; Friedman, 2005). Both approaches are underpinned by different implicit assumptions that privilege certain aspects of corporate power: those which can be studied through quantitative economic data on one hand, and those which translate to the lived experience of extraordinarily-situated agents on the other.

Concepts initially formulated by Jürgen Habermas as part of his analysis of late-20th century welfare states offer an alternative approach to the debate on corporate power that emphasizes how it is understood, and consequently supported or resisted, by publics. Central is his idea of the *public sphere*, which describes the "domain of our social life in

which such a thing as public opinion can be formed" (Habermas, 1989a). Public opinion, in turn, forms the basis of political action by the public—for example, as exercised formally by national electorates during elections, by groups pursuing specific advocacies through organized action, or by two individuals discussing the day's news in the course of a conversation.

Habermas traces the history of the public sphere against what he describes as the colonization of the lifeworld: the gradual subjugation of the ability of people to communicate, to understand their social world and coordinate action by increasingly sophisticated forms of domination and manipulation by specialized, complex systems of instrumental reason, embodied by modern bureaucracies, opinion polling, and the mass media. This process can be traced back to the Enlightenment, an era which saw a public which had the power to regulate the state, through scrutiny and criticism of its actions, and formally through plebiscites and elections. The public sphere first manifested through public discussion in coffee shops and other public spaces. The first step towards rationalizing the public sphere, accomplished by assigning the task of gathering and dispersing information on the state to a specialized system of information collection and dissemination, occurred when newspapers were made necessary by large, industrial societies where it was impractical for each citizen to devote energies to knowing every aspect of the state's affairs. Eventually, newspapers took on the functions of arming political parties with the power to manipulate public opinion, which in turn was supplanted by a market-driven, profit-oriented press by the 1830s.

This perspective thus draws attention to the role played by media in large societies in spreading information and laying the basis for the formation of public opinion. The deliberative capabilities of the public sphere, in these circumstances, hinge to a large degree on the information provided by the media. This view of the media resonates with empirical work done in the field of media studies, with the following three points particularly relevant for understanding how the media stunt deliberative capacities of the public sphere.

First, a large and diverse body of institutional and political-economic perspectives on the media has shown that the selection and framing of issues by the media are determined by the objective of maximizing public attention, circulation, and profit. Focus is lavished, for instance, on highly visible aspects of issues, irrespective of independent indicators of issue salience (Ader, 1995; Shoemaker, 1989), and more attention is paid to issues with specific "news values" (Galtung & Ruge, 1965).

Second, studies under the agenda-setting model of media effects show that media's inclusion of issues and frames in its agenda, or "the range of legitimate concerns meriting the attention of the polity," exerts a very strong influence on the issues and frames the public considers relevant, as well as on the issues that policymakers act on (Cobb & Elder, 1983; as cited by Dearing & Rogers, 1996).

Finally, the agenda-setting literature also asserts that media, public and policy agendas are scarce resources: while countless issues are contested in society, only a few get on these agendas: Newspapers can print only so many stories and can only carry one headline, the members of the public can only devote limited time and attention to news stories, and governments are constrained by public opinion and resources in selecting issues to act upon. Agenda-setting is thus an inherently political and contentious process, as the issues on the agenda are represented at the cost of issues that are not on it.

Drawing from both Habermas and the media studies literature, a link exists between, on one hand, the representations of corporate power carried by the media, and on the other whether or not local, national, and global publics perceive corporate power to be on the rise, define it as a phenomenon which deserves response, and whether these publics come to support or obstruct it. The media, then, can be understood as a site of contest for the ongoing debate on corporate power: the influence the media exerts on the process of defining what is and what is not relevant to the public renders it a highly strategic asset, especially as this influence is independent of real-world indicators of relevance and therefore distorts reality (Ader, 1995; Shoemaker, 1989, as cited by Dearing & Rogers, 1996).

TRANSCENDING HABERMAS'S ORIGINAL CONTEXT

Habermas's analysis dealt primarily with the welfare-capitalist states of 20th century Europe. The colonization of the lifeworld, in this context, occurred through the incorporation of interest groups and their concerns into an increasingly bureaucratic decision-making system of the state, and the marginalization of communicative reason by an increasingly individualized society subjected to more sophisticated means of professional opinion control, including the mass media. In this sense, Habermas's work was limited to the Western liberal democracies during the second half of the 20th century, and as pointed out by Staats (2004), has limited applicability in analyzing new forms of systemic colonization, particularly corporate power "allied with" modern media as manifested in corporate ownership of media and media's dependence on advertising.

Habermas's substantive analysis, however, must be differentiated from Habermas's conceptual framework. Staats's analysis could be interpreted as justifying further exploration of media effects and corporate power: if Habermas's analysis, as Staats contends, does not adequately address these new forms of power, then an opportunity exists for sociological theory—including but not exclusive to Habermas—to be brought to bear in creating new substantive analysis on the matter.

Crossley (2003) offers a reconstitution of Habermas's framework within this context in an analysis of anti-corporate activism. Crossley suggests that a basic fit between the emergence of new social movements as a response to the crisis experienced by the late welfare state and the emergence of anti-corporate activism. Parallels can be drawn between allegations of "takeovers" by market forces and corporations of more facets of social life and Habermas's concept of systems colonizing the lifeworld, in how both anti-corporate activists and the new social movements of the late welfare state posit themselves as challengers to the legitimacy of these programs, and in how both seek to accomplish this by reinvigorating the lifeworld, with engaging the public as a primary method.

The most readily apparent incongruity between Habermas's framework and anti-corporate activism as an object of analysis is with respect to the state. Habermas's framework and analysis deal exclusively with the legitimation crisis of welfare capitalist states, and were specific in defining legitimation as the process through which a political order is recognized by the public as worthy (Habermas, 1979). If political orders are conceptualized exclusively as states, then the relationship between the public and entities such as corporations cannot be analyzed in terms of legitimation.

Crossley (2003), however, identifies additional parallels between the original context of Habermas's analysis and contemporary society which facilitate reconciliation. Habermas's research agenda still reflected that of the original Frankfurt School theorists and Western Marxism in general, in that he sought to explain why a successful proletariat revolution did not occur, despite the advanced state that capitalism has reached. Habermas identified the welfare state as having averted the first crisis of legitimation, a solution which displaced but did not fully resolve the tensions inherent to capitalism. The welfare state consequently underwent its own crisis of legitimation, as

exemplified by the failure of state economic management, the resultant "stagflation," and the proliferation of post-materialist new social movements in the sixties and seventies. Crossley argues that while Habermas was unable to anticipate the rise of neoliberalism and the concomitant rolling back of the welfare state during the eighties, neoliberal globalization itself can be understood as crisis displacement, one responding to the legitimation crises underwent by capitalist states in the seventies by transferring power to agents and institutions that are beyond the direct action of publics, such as international financial and trade institutions and transnational corporations.

Understanding periodic crises of capitalism and the subsequent crisis-displacement responses is integral to Habermas's conceptual framework, and can therefore accommodate the obsolescence of his own substantive analysis of the mid-20th century welfare state (Habermas, 1976). The forms of lifeworld colonization and systematic distortion of communication, the agents responsible, and the mode of legitimation may change, but this does not necessarily impair the utility of the conceptual framework that Habermas was able to develop. That the response to the legitimation crisis created a political order insulated from democratic processes even seems to bear out the fundamental tenet that systems underpinned by instrumental reason grow in sophistication—a development that Crossley characterizes as a displacement of the crisis from the political sphere to the economic sphere, a "market-led" colonization (Crossley, 2003, p.14) of the lifeworld.

UNDERSTANDING CORPORATE POWER AS A NEW POLITICAL ORDER

Understood as a new political order, transnationalized corporate power must, in common with all other political orders, extract legitimacy from the public to ensure its survival and continued operation. It must apply methods of professional opinion control, in tandem with ideology,

to reduce the ability of the public sphere to criticize and act against it (Habermas, 1989b). To this end, one objective would be to achieve and maintain a situation where communication through the media is distorted to aid in legitimating the new political order.

Studies into organizational deviance have found the prospect of bad publicity to be an effective safeguard against corporate malfeasance, as it could lead to a lower stock prices, consumer boycotts, and public calls for tighter governmental regulation (Clinard, Yeager, 1980; Blyskal & Blyskal, 1985, as cited by Randall, 1987). Anti-corporate power activists have called attention to how corporate ownership of the media and its dependence on corporate advertising compromise its ability to check corporate power (Hertz, 2001; Chomsky & Herman, 1988).

The effects of this media-corporate dynamic, however, are not clear-cut. First, the implication that certain issues and frames would be censored from the media, by virtue of corporate ownership and the for-profit orientation of its processes, finds mixed support in the empirical evidence. While there are many examples of editorial action against anti-corporate stories, issues and frames involving corporate power and malfeasance still somehow find their way onto the media agenda: the Enron scandal and the allegations of abuse by Blackwater USA mercenaries in Iraq serve as recent and internationally high-profile examples. More broadly, popular anti-corporate works are in fact printed and distributed by multinational publishing houses, something acknowledged even by anti-corporate activists such as Naomi Klein (2000). Second, neither the homogenization of criteria for issue and frame selection, nor the consequent homogenization of the media agenda, has taken place. Randall (1987) observed that, in the United States, media with a general public audience tended to devote more attention to business and corporate crime than media intended for an elite audience, and tended to focus more heavily on sensational aspects

of the issues, such as the involvement of corporations as perpetrators and the actual sentencing of accused individuals, indicating that the heterogeneity of publics seems to protect the media agenda from homogenization.

Overall, the media agenda has not crystallized into a sycophantic and homogenous one. Without any clear deterministic relationship between media ownership and treatment of corporate power issues, the determinants identified by political-economic "media industry" analyses should be studied within a framework that also allows for the influence of other determinants to be studied, such as the media discourse model developed by Gamson and Modigliani (1987).

Wang (2006) applied this framework in a study of the Chinese media coverage of a scandal involving Toshiba. Toshiba was sued for shipping laptops shipped with defective floppy disk controllers in the United States, and eventually settled out of court. However, it did not act on products sold in China, provoking the Chinese news media and public into what Wang termed "consumer nationalism." The study identified three major themes carried by 56 items—discrimination, different market conditions, and violation of consumer rights—and tracked their development against specific trigger events. The fact that the issue emerged in the first place was a consequence of Toshiba's poorly-coordinated public relations response. The strong anti-Japanese rhetoric which featured in the coverage, which used terms such as 'discrimination,' '[the Japanese] looking down upon [the Chinese]' and 'hurting Chinese peoples' feelings' (pp. 195-196) stemmed from the cultural resonance of Chinese ambivalence toward Japan grounded in their historical experience. Finally, the eventual evolution of the discourse into one that portrayed the issue as primarily legal and technical in nature was due to sponsor activities by the central government in Beijing to redefine the issue along these lines.

Focusing on the Philippines, the media industry analysis is applied in Florentino-Hofileña's (2004) probe of corruption in the Philippine news media. Focusing on politics and the 2004 national elections, Florentino-Hofileña narrates how bribing has become standard operating procedure for politicians at both the local and national levels, with its own vocabulary (e.g., "envelopmental journalism," "smiling money," and "ac-dc," for "attack-collect, defend-collect"), systematized distribution schemes, and fixed rates for newsroom bosses, editors, and reporters. In the 2004 Presidential elections, for example, a group of tabloids banded together to charge a standard rate for candidates vying for story placement. Filipino politicians and their public relations strategists realize the value of tabloid newspapers, which have their own distribution networks and have "pass-along" value. Broadsheets are also prone to corruption, since they are seen as being influential on the country's business sector. Corruption in broadsheets takes a more covert form, typically involving retainers for columnists and promises of gifts in exchange for a favorable spin.

Florentino-Hofileña focuses on elections and politics, although corporate bribery of newsmen is also documented, from its roots in the fifties and sixties up to the present. Typical targets are stories on government contracts, such as the private rehabilitation of the government-owned National Steel Corporation mill in Lanao. Coronel (1999), on the other hand, discusses how media ownership, which in the Philippines is limited to a small group of economic elites with diverse business interests, affects content. Editorial decision-making in the country's most-read papers, she contends, is heavily influenced by their proprietors' business interests. Historically, the country's tycoons have viewed the acquisition of a newspaper as a sound business decision: Eugenio Lopez Sr. initially bought The Manila Chronicle to boost the nationalization of the sugar industry, then predominantly American-owned, on the policy agenda. Lately, a trend towards acquisition of newspapers by the Chinese-Filipino economic elite has been taking place, which Coronel characterizes as driven by their desire to lend legitimacy to their businesses and increase their political clout.

This is underscored by the fact that most broadsheets in the Philippines, by themselves, operate at a loss, and are published "even if they lose money because their aim is not profit but influence," (p. 8) which can take forms as diverse as advertising and product placement, running exposes on rival clans' malfeasance, or putting a favorable spin on stories on political and economic allies.

MEDIA PORTRAYAL OF CORPORATE POWER IN THE PHILIPPINE CONTEXT

What has so far evaded scrutiny is how multi- or transnational corporate power is portrayed by the media and understood by publics in the Philippine context, despite having seen a profusion of issues relating to corporate power. Examples include the integration of Philippine financial markets into global speculative capitalism, the prevailing orthodoxy of FDI-driven growth and trade liberalization in government development planning, the creation of export processing zones, the privatization of state assets, and the re-entry of foreign investment into the mining industry.

The Philippines has also experienced a number of incidents involving corporate power and malfeasance, such as the allegedly anomalous and/or inequitable build-operate-transfer and privatization contracts entered into by the Philippine government, the allegations of bribery and unethical lobbying practices by transnational pharmaceutical companies against the cheaper medicines and breastfeeding laws, and the 2006 oil spill in Guimaras.

The most spectacular incident in recent history was the so-called NBN-ZTE scandal, which involved a supply contract entered into by the Philippine government with the ZTE Corporation, a telecommunications company based in Shenzhen, People's Republic of China whose shares are listed on the Hong Kong and Shenzhen Exchanges. The \$329 million contract was for the National

Broadband Network (NBN), a project intended to provide high-speed connectivity to government offices and facilities nationwide through dedicated, government-owned and operated infrastructure, and was hounded by allegations of overpricing, graft, bribery, and the anomalous involvement of public officials and prominent political personalities, including former COMELEC Chairman Benjamin Abalos Sr., former DOTC Secretary Leandro Mendoza, former NEDA and CHED Chairman Romulo Neri, former First Gentleman Miguel "Mike" Arroyo, and former President Gloria Macapagal-Arroyo. The controversy surrounding the project led to the cancellation of the contract, a number of court cases, a Senate investigation that spanned several months, the resignation of Abalos from his position as Comelec chairman, the ouster of Rep. Jose de Venecia Jr. from the House speakership, and renewed calls for the resignation of Pres. Arroyo.

The Inquirer's portrayal of the NBN-ZTE scandal made for an ideal case study on the legitimation of transnationalized corporate power for a number of reasons. First, the Inquirer enjoys an established status with Philippine policymaking, business, and news media elites (Florentino-Hofilena, 2004), has the highest circulation among Philippine broadsheet newspapers, with an estimated readership of 1.3 million and a 53% market share (Pedroso, 2007), and its coverage of the NBN-ZTE scandal can be expected to play a major role in defining the issue. Second, the NBN-ZTE scandal involved two relatively straightforward applications of corporate power: malfeasance in the form of bribe-paying and influence-buying, and the ability of corporations to evade accountability by exploiting the jurisdictional limits of national institutions. Third, the NBN-ZTE scandal involved both corporate and government malfeasance, a feature of the issue which allowed for a wider array of possible issue definitions, and opened up a unique opportunity for determining the processes behind issue definition. Lastly, the NBN-ZTE scandal involved

corruption, an issue that traditionally generates large amounts of media coverage and public discussion in the Philippines.

METHODOLOGY

The study covered a period starting from 6 August 2007, when the NBN first received banner story coverage, up to 31 October 2007, at which point the issue was being given sporadic coverage and had been displaced by other issues. The study drew upon two distinct approaches, with each taking different forms of systemic distortion of communication as focal points. The first phase was underpinned by the media discourse framework developed by Gamson and Modigliani (1987) for analyzing the dynamics of issue definition on the media. This phase comprised a quantitative content analysis of texts carried by the Inquirer on the NBN-ZTE scandal within the study's timeframe. These included news stories, editorials, opinion columns, letters to the editor, editorial cartoons, and photographs. Each texts' type, date, page placement, and authors were recorded. Themes, or the subject matter of the text or of significant sections of the text, were inductively identified and recorded. The amount of coverage given to each theme and to the NBN-ZTE scandal as a whole was measured by employing a text count and a measurement of the space occupied by a text in square inches, a measure otherwise referred to in the study as *column inches*. The behavior of the Inquirer's NBN-ZTE discourse and the constituent themes was observed by tracking these two indicators on a day-to-day basis and identifying responsible trigger events behind trends and anomalies. The overall coverage was also divided into five stages, based on predominant themes and amount of coverage (see Table 1).

The second phase of the study drew influence from Fairclough's (1995, 2000) application of his *critical discourse analysis* framework, with roots in linguistics, to analyzing media. To complement the thematic analysis of issue definition of the first phase, the second phase

		Mean daily coverage		
Stage	Inclusive	No. of	Column-	Dominant themes
	dates	texts	inches	
1	8/06 to 8/11	1.667	112.91	Contract and project details:
				contract terms;
				Contract and project details:
				technical aspect of the NBN
2	8/12 to 8/27	0	0	No coverage
3	8/28 to 9/18	2.818	180.46	Accused individuals: Abalos;
				Whistleblowers: de Venecia III
4	9/19 to	9.739	620.74	Whistleblowers: de Venecia III;
	10/11			Whistleblowers: Neri;
				Accused individuals: Abalos;
				Accused individuals: Mr. Arroyo;
				Senate scrutiny
5	10/12 to	1.5	58.54	Offshoot issue: de Venecia's
	10/31			speakership;
				Offshoot issue: Arroyo's
				impeachment/resignation;
				Offshoot issue: anonymous media
				sources
Overall	8/06 to 10/31	3.737	230.97	See Figure 2

Table 1. Summary of the five stages of the PDI's NBN coverage.

focused on how the use of language emphasized or deemphasized specific features of the issue and in the process defined what that issue was and was not about. The sum-total of the texts studied were taken to comprise the Inquirer's NBN discourse, or how it applied language to social ends (Fairclough, 1995), i.e., in reporting this issue to its readership. This phase analyzed how ZTE's identity was constructed, how its involvement was represented, and how relationships between it and other agents were portrayed. Texts were seen as the outcome of selection from lexical and grammatical options, which in turn carry meaning. Counts of collocating adjectives and grammatical analyses of sentence structures were used to ascertain the range of discursive alternatives (i.e., other possible identities, representations, and relationships), the correspondence of meanings carried by the texts with external referents of reality, and the extent to which they emphasized or obscured certain features of the issue. This phase also determined discourse practices, or processes involving the production

and consumption of texts, and *sociocultural practices*, or the broader set of institutions and processes within society, which were at play. *Intertextual analysis*, which involved searching for traces of discourse and sociocultural practice in the text, was employed.

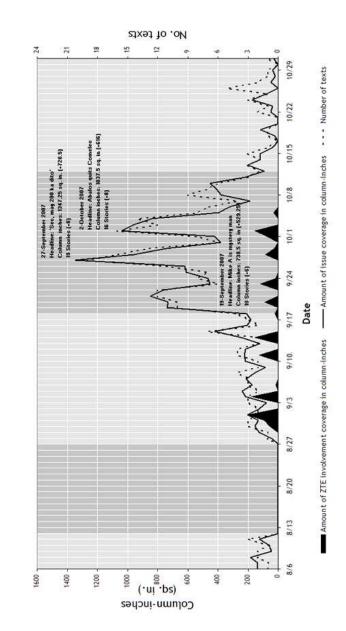
DEFINING THE ISSUE IN TERMS OF ELITE POLITICAL PERSONALITIES

The Inquirer's NBN discourse firmly established that an entity called "ZTE" was involved in an overpriced supply contract for a national infrastructure project, and illicitly obtained the services of a powerful public official to influence contract bidding process through bribes and threats. Its involvement, however, was deemphasized and obscured by the Inquirer's coverage, and displaced by the emphasis placed on other agents, particularly high-profile political personalities.

Three features of the quantitative data show the influence that the involvement these personalities had in shaping the Inquirer's NBN discourse. First, attention on the issue, which completely dropped off the Inquirer's agenda from August 12 to 27, picked up on the 28th, when Mr. Abalos's possible involvement in the issue first broke cover. Second, a drastic increase in coverage characterized the fourth stage of the coverage when the dominant theme was the involvement of high-profile political personalities, particularly Mr. Arroyo, Mr. Abalos, Sec. Neri, and Mr. de Venecia (see Figure 1). Lastly, the banner stories on the days registering the highest one-day increases in coverage—all of which, incidentally, occurred in the fourth stage—all dealt with their involvement in the NBN-ZTE issue.

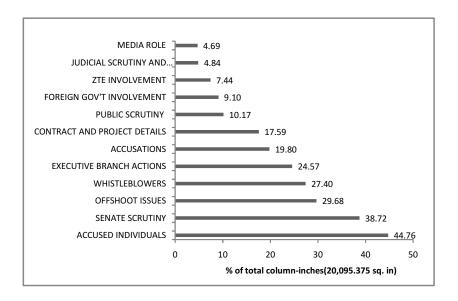
In contrast, coverage on ZTE's involvement did not appear to influence the NBN-ZTE issue's position on the Inquirer's agenda. The space devoted to it was miniscule, and the coverage intermittent. Coverage on the theme did not break past the 200 square inch mark and tended to drop off sharply, with most days featuring absolutely

2007. Headlines, column-inches, and text count of largest one-day increases in total coverage are indicated. Figure 1. Coverage of the NBN issue and ZTE's involvement by the Inquirer from 6 August to 31 October Light and shaded bands indicate coverage stages.



no coverage at all. Jumps in the total amount of coverage, such as those seen in the fourth stage, did not feature any corresponding increase in coverage on ZTE's involvement, indicating that coverage on other themes accounted for the scandal's higher position on the Inquirer's agenda during those weeks (see Figure 1).

Figure 2. Amount of coverage per theme, in terms of percentage of total coverage (in column inches) from 6 August to 31 October 2007.



Thematically categorizing the 326 texts studied reinforced these two observations, with 44.76% of the total 20,095.375 square inches of coverage focusing on these agents' involvement. In contrast, ZTE's involvement was only discussed in 24 texts comprising 7.44% of the total column-inches (see Figure 2).

These finding resonate with existing theories on news media content, most intuitively with Galtung and Ruge's (1965) identification of a set of "news values" whose presence in an issue were found to

consistently correlate with a high level of media attention. The large amount of coverage devoted to the involvement of high-profile personalities, as well as the increase in attention on the NBN issue in the fourth stage, can be attributed to the news value of reference to elite persons. Likewise, the low attention paid to ZTE's involvement can be attributed to the news value of personification: events which can be presented as involving a human subject, as opposed to social or structural attributions, are more likely to be covered. The Inquirer even carried several in-depth profiles on the involved personalities, discussing at length their personal and family lives, professional careers, involvement in other anomalies, and even their taste in music—an aspect of the coverage which stands in sharp contrast to the lack of profiling of either ZTE corporation or of its executives. In this case, the issue was personified by presenting it as the consequences of Mr. Abalos's, Mr. Arroyo's, Sec. Mendoza's, or Pres. Arroyo's actions, at the expense of exploring ZTE's actions.

CONSTRUCTING ZTE'S "CHINESE" IDENTITY

The most visible aspect of the Inquirer's continuous association of ZTE to the NBN issue is in how ZTE was described as "Chinese," with the overwhelming proportion of collocations with "ZTE Corp." being "China's," "of China," "Chinese firm," and other variations on the adjective. ZTE was described as "Chinese" 163 times in 149 out of 326 texts studied.

Despite the prevalence with which this description is applied, an extended discussion as to how ZTE is Chinese, with a few exceptions analyzed in further detail below, was absent. Clues as to whether this attribute referred to ownership and/or control of ZTE by the Chinese state or by Chinese citizens, to an intrinsic Chinese property as to how it conducts its business, or merely to the fact that its base of operations is Shenzhen, PRC, were few, far between, and contradictory.

Take the discussion on ZTE's ownership. There were three mentions throughout the period studied that ZTE was listed on the HK and Shenzhen exchanges, all in stories that appeared to have been based on press releases from ZTE. There were also three references to ZTE being a "state-owned," "state telecom," or a "government-owned" entity. Descriptions of ZTE as a publicly-listed company and as a state enterprise never coincided within the same text, and the relevant texts never elaborated on these descriptions.

According to one company profile, 44.09% of ZTE's shares belong to state-owned entities and upper management, 39.22% are listed on the Shenzen Stock Exchange, and 16.69% on the Hong Kong Exchange, which are available to international investors. ZTE may thus be described as Chinese on the basis of ownership, as 83% of its shares are held either by the Chinese state or by the Chinese public, but even this generous interpretation of the description ignores the participation of international investors. The description "state-owned," moreover, is belied by the fact that 56% of ZTE stock is publicly-listed. Without any elaboration or qualifiers on these descriptions, the connotation was of majority, if not complete, state ownership.

Other variations on the "Chinese" theme—"backed by the Chinese government," which occurred thrice, "state firm" and "state-owned," which cumulatively occurred 3 times—alleged a high level of collusion between the "Chinese government" and ZTE, up to and including outright control over its affairs. ZTE officials were also referred to twice as "Chinese officials." These descriptions, which appeared in 14 texts, forwarded a more concrete elaboration of the relationship between the "Chinese government" and ZTE.

The Inquirer's coverage, however, presented various conflicting versions as to the nature of this relationship. A number of texts alleged a connection between the Chinese government's approval of additional credit for the Philippine government and the implementation of the NBN project. This link contradicts interviews and official statements from Secretaries Favila and Teves, who both denied any involvement on the part of the Chinese government. Somewhat in between the two versions is Favila's quoting Chinese Commerce Minister Bo Xilai: "[Bo] told me that China is supportive of initiatives of both ZTE Corp. and Huawei—the firms vying to do the NBN project—considering what they have done in other countries."

While externally generated content from interviews and press statements provided multiple, conflicting accounts regarding the link between the Chinese government and ZTE, the Inquirer's internally produced content—i.e., the labels it used to construct ZTE's identity—did not reflect this lack of clarity and assumed a high level of cooperation between the two. The absence of substantial discussion into the ownership, control, history, corporate structure, and other aspects of ZTE's identity as a corporation stood in stark contrast with the meticulous and sustained coverage on other aspects of the issue, such as the in-depth profiling of Mr. Arroyo, Mr. Joey de Venecia III, Sec. Neri, and Mr. Abalos.

Along similar lines, the selective emphasis on ZTE Corporation's Chinese quality was made apparent in contrast to the manner with which a competing bidder, De Venecia Jr.'s Amsterdam Holdings, Incorporated (AHI) was described in the texts studied. AHI's bid, which specified Huawei Technologies Co., Ltd. as a supplier, was never described as "Chinese-backed," despite Minister Bo's statement of support for both ZTE and Huawei. Additionally, Huawei's involvement in AHI's bid was only stated once in the entire study period.

ZTE's identity as constructed by the Inquirer's coverage was underpinned by a number of assumptions: that this particular corporation, despite its international presence and stockholder base, has a nationality; that this perceived nationality is a salient, if not defining,

characteristic of the corporation; and that attention must be focused on abuses by states and government officials remain paramount even in instances where a corporation is party to abuse of power.

ZTE AS AN AGENT

Even when ZTE's actions are discussed, it is the involvement of other agents that take the spotlight, with ZTE's involvement being "informationally backgrounded" (Fairclough, 1995), in that while information on its involvement was present, it was subordinated to other information.

During the three months in which the story unfolded, the connection between Abalos and ZTE was easily the best-substantiated and most heavily emphasized aspect of ZTE. Out of the 24 texts which dealt with ZTE's involvement, 10 also dealt with Abalos's involvement in the issue. Additionally, among the texts dealing with ZTE, those which also dealt with Abalos occupied more column-inches on the average (see Figure 3).

On the scale of individual texts, actions by both ZTE officials and by Abalos were detailed, although ZTE's actions were discussed as a background to Abalos's own misdeeds. For instance, the grammatical construction of the headlines ("Abalos tied to NBN deal," "Teves: Abalos set meeting with ZTE"), presented Abalos as the actor even in the single instance that the clause dealt directly with ZTE's actions ("Abalos admits ZTE paid for China trips"). Clauses and paragraphs dealing with ZTE's involvement came later in the texts than those dealing with Abalos's involvement, as a way of filling in the contextual details of the actions of the latter.

Even in the two texts which dealt directly with ZTE's legal liability, the backgrounding of ZTE's involvement was apparent. The first text, which dealt with a criminal complaint filed by Rep. Carlos Padilla that named DOTC Secretary Mendoza, a number of his associates,

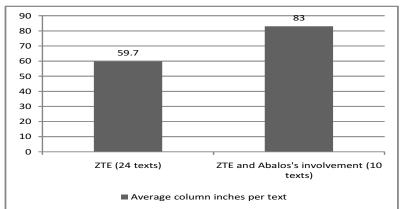


Figure 3. Comparison of amount of coverage per text: ZTE v. ZTE with Abalos's involvement.

and four ZTE officials as respondents, presented an example of backgrounding through clause-ordering, with information on the involvement of ZTE being shown as subordinate to the involvement of a public official. The headline and the lead paragraph of the article focused tightly on Mendoza's involvement, while the fact that ZTE officials were named respondents in the case is only mentioned at the eleventh paragraph, and printed on an inside page:

DOTC chief sued over broadband deal

"Saying the public was misled about the National Broadband Network (NBN) project, an opposition congressman Tuesday lodged a criminal complaint against Transportation Secretary Leandro Mendoza and several others who sealed the \$329-million deal with a Chinese firm without public bidding.

"Nueva Vizcaya Rep. Carlos Padilla (NP) accused Mendoza and two assistant secretaries of the Department of Transportation and Communications of "giving undue advantage" to ZTE Corp., China's third largest telecommunications firm, which bagged the NBN project aimed at linking government agencies nationwide through a common electronic backbone."

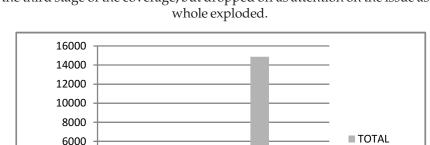
[on page 17] "The respondents included four top ZTE executives led by its chair, Hou Weigui, vice president Yu, Manila office chief representative George Zhu Ying, and executive director Fan Yan."³

The discourse-level backgrounding is demonstrated more clearly by the quantitative data. Fifty nine percent of all the coverage of ZTE's involvement was in the third stage of the coverage, and the ZTE involvement theme also received the highest proportion of the total coverage in the same stage (see Figure 4). These features of the data again demonstrate that attention on ZTE's involvement was strongest when it was paired with Abalos's involvement, but also that attention given to ZTE's involvement withered away just as the NBN-ZTE scandal shot up in the Inquirer's agenda in the fourth stage. Once the ZTE-Abalos link had been firmly established, texts dealing with ZTE's involvement were printed less often, shrunk, and migrated into the inside pages.

Table indicates column-inches of the total coverage and the ZTE theme; percentages indicate proportion of ZTE theme to the total coverage per stage.

Displaced culpability and phantom actors

The Inquirer also obscured ZTE's involvement as an agent by two editorial conventions. First, ZTE's involvement was displaced, or presented to be the consequence of actions by and/or the responsibility of other actors. In the previous excerpt, for example, it is the "DOTC chief" who was sued, as opposed to "DOTC chief; ZTE execs." Likewise, it was "Mendoza and two assistant secretaries" who "[gave] undue advantage to ZTE Corp.," the blame laid squarely on the public official, without elaborating on the circumstances, such as actions by ZTE, which led to it being given the undue advantage. The displacement occurs in lockstep with the foregrounding of the actions of the involved public officials and the construction of ZTE's identity as "Chinese": responsibility was typically displaced onto the involved public officials, as in the previous example, and the "Chinese."



21.3%

3

3,970.1

844.75

4.1%

4

14.277

587.5

0%

5

1.170.7

0

■ ZTE THEME

0%

2

0

0%

1

677.5

0

4000

2000

TOTAL

ZTE THEME

Figure 4. ZTE's involvement occupied the highest position on the agenda on the third stage of the coverage, but dropped off as attention on the issue as a whole exploded.

Second, ZTE's actions, and the consequences of its actions, were typically described in the passive voice, as if these actions occurred without the involvement of an agent. There were a number of instances of ZTE's actions described in an active voice—among headlines, for example, "Abalos admits ZTE paid for China trips," "ZTE defends deal," "ZTE denies bribing execs"—but these instances were confined to texts dealing with ZTE's transactions with Abalos, and must be understood against the informational backgrounding which characterized this theme pair. More tellingly, in aspects of the issue that can be presented as the consequences of ZTE's actions, such as the deal being overpriced, and the allegation that as much as \$130 million of the \$329 million contract price went to bribes, ZTE's involvement was invisible. The contract for the NBN project and the project itself was described a total of 84 times as costing "\$329-million," nine times as "overpriced," and 16 times as a "Chinese project" between 6 August and 31 October 2007. All of these descriptions pertained to either the project or the contract never ZTE's agency—with the following excerpt being a typical example of how these descriptions were used:

"Businessman Jose "Joey" de Venecia III Tuesday named Jose Miguel "Mike" Arroyo as the "mystery man" who supported the controversial \$329-million broadband deal with China, thrust his finger inches away from his face and barked at him to "back off" from the deal.

[...] "The Senate and House of Representatives are investigating the ZTE contract amid calls that it be rescinded because it was allegedly overpriced by \$130 million and attended by corruption. Two economists claimed that the NBN project was unnecessary because the private sector already had two broadband networks."

The two relevant clauses—"the controversial \$329-million broadband deal with China" and "the ZTE contract...was allegedly overpriced by \$130 million"—are particularly illustrative. In the first clause, the deal is "with China," as opposed to "with ZTE," even though the deal was a supply contract with the latter; in the second, the "contract...was allegedly overpriced by \$130 million," with the overpricing presented as a quality of the contract through the use of an adjective, as opposed to an action or a consequence of an action by an agent: conjecturally, "ZTE overpriced contract by \$130 million."

The characteristics of the Inquirer's NBN discourse that have been described reflect the cumulative effect of choices to apply, on the basis of unstated criteria, incomplete, inaccurate, and imprecise descriptions to ZTE Corporation, its activities, and its relationships with other agents. While it is unlikely that a complete, accurate, precise, and at the same time wieldy description exists, the fact that it was these particular imperfect characterizations that were used, and that other imperfect characterizations were not, bear meaning. The criteria behind these choices, which may be as benign as style conventions or convenience, are nonetheless indicative of taken-for-granted realities and carry implications for meanings carried by these texts.

Clues present in the Inquirer's NBN discourse show that both discursive and sociocultural practices created the conditions which

reinforced a definition of the NBN-ZTE scandal that de-emphasized and ZTE's involvement and responsibility.

Discourse practices and issue definition by the Inquirer

Four features of the Inquirer's NBN discourse enable an analysis of its definition of the issue: the phrasing of headlines, the selection of banner stories, the inclusion of photographs, and editorials. These features are present on the Inquirer's NBN discourse solely on the strength of decisions made within the Inquirer, and comprise its media advocacy: the power of the Inquirer to sponsor particular ways of looking at the issue. This power, however, was not tapped to pursue a different issue definition; if anything, it was focused even tighter on personality- and nationality-based definitions of the issue. While 45% of all the column-inches were on stories about the involvement of the accused, the theme was disproportionately represented in the banner stories, with 65% of the 37 banner stories running on the issue on accused individuals' involvement. While there were five banner stories which dealt with ZTE's involvement, the company was only named on one headline. Sixty-nine out of the 70 photographs had individuals for subjects, with the most photographed being Mr. Abalos, Mr. Joey de Venecia, and Sec. Neri; a number of photographs also featured PRC Premier Hu Jintao with Pres. Arroyo. No photograph was provided of ZTE, whether its corporate logo, of its headquarters, or of its executives. These may have to do with inherent limitations set by the conventions and practices of Philippine news media in dealing with corporate malfeasance issues: with the exception of corporations associated with high-profile personalities, such as the archetypal "tycoons" or "families" behind large Philippine businesses, a publiclyrecognizable face and/or a name to attach the issue to may not be available.

For its part, ZTE has been successful in avoiding spectacular events such as Senate hearings and press conferences, and seemed to have followed a deliberate strategy of depriving the media of newsworthy events, such as press conferences or publicity stunts. This strategy was aided by the Inquirer's emphasis on ZTE's "Chinese" identity, which had the effect of diverting responsibility away from ZTE and onto the Chinese government and reinforcing the idea that a primary site of contest to the issue is diplomacy between two states, as opposed to a contract between a state and a corporation.

Despite the limitations imposed by journalistic conventions, the Inquirer still possessed the ability to independently call attention on aspects of an issue it deemed pertinent through editorials. Still, the focus of the 22 editorials studied showed that the Inquirer's editorial discretion still emphasized these themes: some 40% of the editorials were on Abalos's involvement, with a number devoted to drawing parallels between his involvement in the NBN issue and previous corruption and electoral fraud controversies he had been linked to. None were on ZTE.

A number of editorials also presented an alternative issue definition: that the reason the NBN contract was questionable is because it would end up defrauding the Filipino people hundreds of millions of dollars of tax money, all due to lapses on the part of their government to ensure a transparent procurement process. Still, in common with the rest of the Inquirer's discourse, ZTE's involvement was either shown to be the responsibility of other agents—"greedy officials," for example—or rendered invisible.

Overall, the Inquirer utilized its capability to define the issue by singling out the dimensions of the issue that can be shown as being driven by the individuals and their actions, at the expense of dimensions which cannot be subjected to personality-centered coverage, while ZTE's deliberately low profile deprived it of opportunities for photoops or controversial quotes. In this regard, media conventions were exploited as a tool for legitimation to great effect by ZTE.

Sociocultural practices and issue definitions on the Senate and public agendas

The explanatory power of analyzing the Inquirer itself has inherent limitations: after all, the Inquirer also ran stories on the ZTE involvement theme, including a number which dealt squarely with the involvement of ZTE officials and their consequent culpability. These stories indicated that at least some attention was being paid to ZTE's involvement by the Senate and by members of the public, and that the Inquirer was willing to carry their definitions of the issue. The limited presence of the ZTE involvement theme on the Inquirer's NBN discourse, then, cannot be completely attributed to the Inquirer's discourse practices. The marginal position occupied by the ZTE on the media agenda may have also been due to an equally marginal position on the agendas of the public, the Senate, and other agents, and/or the predominance of other definitions of the issue on their agendas. Tentative clues to this end are available in the data, but should not be taken as a substitute for directly studying these respective agendas.

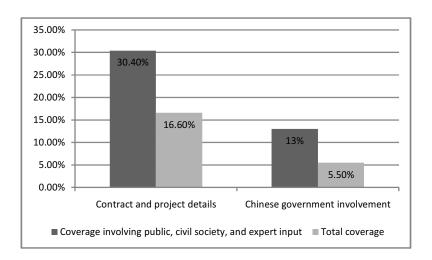
The Senate hearings were almost exclusively on the involvement of Mr. Abalos, Sec. Mendoza, Sec. Neri, Mr. Arroyo, and the President in brokering and approving ZTE's bid for the project, and the senators were not particularly interested in the actions of ZTE itself. Despite the fact that ZTE had been continuously implicated in illegal activities starting from when Abalos was first accused of brokering the deal on its behalf in exchange for millions of dollars in commission on 30 August 2007—a link that was a prominent feature of the third phase of the coverage, was reiterated several times in De Venecia III's testimonies to the Senate, and corroborated by statements testimonies from different witnesses—the Senate only subpoenaed ZTE's executives on 17 February 2008 (Uy, 2008).

Although ascertaining ZTE's guilt was clearly not high on the senators' agendas, the Senate's investigation was also hobbled by two

strategic advantages on the part of ZTE. First, ZTE did not directly involve itself in bribing Philippine government officials. Instead, it acquired the services of a high-placed "sales agent" (Coleman, 1997, pp. 47-49) in the person of former Comelec Chairman Abalos. Mr. Abalos eliminated for ZTE the need to establish its own connections with the Philippine power elite, and kept the number of parties intimately knowledgeable about its involvement to a bare minimum. Once the contract aroused suspicion and came to be investigated, evidence and eyewitness testimonies regarding ZTE's involvement were fewer and less concrete compared to the involvement of Abalos himself. Second, as ZTE is a corporation headquartered outside the Philippines, and the Philippine Senate's jurisdiction over it extends only as far as its operations in the country, ZTE could easily stonewall the Senate by refusing to participate in what it called a "political circus." The Senate, in turn, was unable to arrest or otherwise compel the named respondents, which included ZTE Corp. president Fu Yong, to appear before it.

Texts on public opinion and inputs from experts, civil society, church, and big business groups carried the "contract and project details" and "Chinese government involvement" themes at disproportionately higher rates (see Figure 5). Although they represented a wide array of interests and backgrounds—from big business to urban poor, from the academe to the clergy—these texts were unanimous in defining the issue in terms of lapses on the part of government officials to uphold their responsibilities, which they must be somehow made accountable for; in identifying the protagonist as "the people;" and in identifying corrupt public officials and unscrupulous Chinese interests as villains. With a single exception, ZTE's involvement and culpability was never pointed out, not even as an aspect of the government's responsibilities. Regulating and/or penalizing illicit corporate practices, such as bribe-paying, were not discussed as government responsibilities; in contrast, bribe-taking was

Figure 5. Texts carrying public opinion and inputs from experts, civil society, church, and business emphasized contract and project details, as well as Chinese government involvement. Percentages indicate proportion of each text set's focus on these aspects of the issue.



a focus of criticism, as well as the inability of the government to prevent the same. The government was similarly burdened with the responsibility of preventing "unconstitutional" and "illegitimate" debts to "foreign lenders"—as opposed to, say, preventing "corporate greed."

While these clues may just as easily have been a product of the Inquirer's story selection and editing conventions, it is likely that both discourse and sociocultural practices were at play: theoretically, the relationship between the news media and other issue-defining agents is that of a feedback loop, with none of the agents having neither a monopolistic nor a deterministic hold on the issue-definition process.

In cases where major issue-defining agents concur on a definition, such a feedback loop would result in what could be called, by extension of the analogy, negative feedback: the media's definition of an issue finds correspondence with public and legislative definitions, informs their actions more readily, in turn providing more spectacular events

that are covered by the media, ultimately leading to an equilibrium where one particular definition of the issue becomes entrenched. This might have been the case with the NBN issue: while the Inquirer's, the Senate's, and the public's definitions of the problems were not completely similar, they were unanimous in de-prioritizing ZTE's involvement in the NBN issue, even though there was no shortage of nominally newsworthy events regarding ZTE's involvement. The Inquirer, in its internally-generated content, such as its op-ed pieces and cartoons, neither promoted ZTE's accountability nor the broader theme of corporate malfeasance as advocacies. This meant that getting corporate malfeasance onto the Inquirer's agenda was highly dependent on external agents and/or events drawing attention to it, compared to themes whose positions on the agenda were sustained by internally-generated content. As for external agents and/or events, the Senate hearings were squarely focused on the involvement of the President and other public officials. This left the public, where a definition of the issue as one of corporate malfeasance was floated but had to compete with other, better-established definitions of the issue, such as corruption in government and foreign debt, which meant that the corporate malfeasance definition ultimately did not gain currency.

LEGITIMATION OF CORPORATE POWER IN THE PHILIPPINE CONTEXT

Within a framework of transnationalized corporate power as a new political order, these characteristics of the discourse—the low position assigned to ZTE's involvement on the Inquirer's agenda, and the correspondingly high amount of coverage and commentary given to the involvement of the high-profile personalities; the construction of ZTE's identity in a way which transferred its accountability onto other agents; the representation of its actions as less relevant than their actions and as completely invisible, indeterminate, and devoid of agency—point to a form of legitimation of corporate power through

its de-politicization, in that it was as an aspect of the issue that was neither made the subject of extensive discussion nor defined as a valid target of political action by the Inquirer. The Inquirer's agenda-setting influence over public opinion, in turn, meant that the range of discursive possibilities of the public sphere was restricted, since fewer people were bringing their communicative-rational faculties to bear on ZTE's involvement and its accountability.

The de-politicization of ZTE's involvement meant that calls for its accountability from the public were few and far between. Additionally, with the exception of the cancellation of its contract, ZTE has successfully avoided investigation and punishment.

But if corporate power is understood as a new political order, the implications of a spectacular corporate transgression being portrayed as outside of the public's ambit cannot be underestimated. At the very least, the credibility of the Philippine news media public to supply a meaningful deterrent against corporate malfeasance is brought into question. The NBN-ZTE scandal did not galvanize the Philippine public to call neither for ZTE's punishment, nor for tighter regulation over corporations. This means that one of the most effective mechanisms for preventing corporate abuses is absent from the Philippine context, which—even assuming that transnationalized corporate power is not a new political order—is a possibility that should merit concern and further analysis.

More far-reaching is the possibility that this form of legitimation is achieved not through the transformation of the public sphere into an acclamatory body, but by circumventing it entirely. The findings of this study suggest two ways through which instrumental reason was used in this manner.

The first is professional opinion control: ZTE's application of instrumental reason to identify practices that would minimize its public

profile and exploit the limitations of the Philippine public sphere. This parallels Habermas's concept of "staged and manipulated publicity" (Habermas, 1989b) done by states to extract legitimacy from publics using public relations work, including the utilization of news media to disseminate opinions formulated by the state, political parties, and interest groups with the aid of opinion polling. However, instead of providing the public with a range of opinions, public relations work in this case was used to avoid attention, scrutiny, and discussion by the public.

The second is the profit-maximization motive of the Inquirer, which reinforced its reliance on ways of producing reality that have been found to either increase or maintain circulation. As it is usually construed, profit-maximization influences media content through reliance on advertising revenue and editorial control through ownership and corruption as the primary avenues of systemic colonization (Croteau & Hoynes, 1997; Coronel, 1999; Florentino-Hofileña, 2004). In this context, however, it is pressure from the public itself, in its members' capacity as both consumers and as issue definition sponsors, that centered the discourse on the involvement of high-profile public officials and on China and marginalized the corporate malfeasance theme on the Inquirer's agenda. ZTE was not an advertiser on the Inquirer, nor does it hold shares in the paper. There was also no indication of bribery of the Inquirer or of its reporters. Nonetheless, it covered the issue in a manner beneficial to ZTE.

The common denominator to these two mechanisms is their dependence on definitions of what is "political" that are established with the Filipino public: the first mechanism, on a definition of the political that excludes corporations and corporate power; the second, on a definition of the political as being exclusive to governments, international relations, and the actions of politicians.

These findings resonate with ideas in the corporate power debate used by anti-corporate activists to describe the relationship between corporations (and more broadly, globalization) and democratic processes, such as the "death of democracy" (Hertz, 2001). They also reinforce the point made by Crossley (2003) about the current form of globalization as a more sophisticated form of crisis displacement, in that it transfers power onto agents that are not directly accountable to publics, but more importantly are able to stage and manipulate publicity in a manner which circumvents the ability of publics to deliberate responses to their power.

Therefore, if corporations are indeed on the rise, all that might be necessary to legitimize their power in the Philippine context is to maintain the established definitions as to what constitutes the "political" in the Philippine public sphere, which affords them the luxury of isolation from democratic pressures. In turn, the public sphere, preoccupied with a definition of the political restricted to agents that may be experiencing a steady erosion of power, is rendered obsolete as a check to systems.

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