China’s Rule of Law is Australia’s Business

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Abstract

The purpose of this paper is to investigate the implications of China’s rule of law, in the context of commercial corruption, on the Australia-China business relationship.

This paper involves the analysis of three separate case studies: the ‘Melamine milk case’, the ‘Stern Hu case’ and the ‘Matthew Ng case’. The research undertaken in this paper is divided into two main sections. The first section involves a content analysis of media frames in both the Chinese and Australian news coverage in three separate cases. The section undertakes a critical analysis of Australian media and political discourse concerning the three cases.

This research demonstrates the different conceptions of the rule of law between China and Australia, and that essentially China’s practice of the rule of law impacts on Australia.

This paper’s originality is in its refinement about understanding China’s rule of law and its place in broader debates concerning the Australian-China business relationship. Moreover, this dissertation takes a unique research angle in this field through the use of discourse analysis.
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Introduction

Australia regards the business and trade relationship with the People’s Republic of China (PRC) as one of its most important. China is considered an economic superpower and a “leading pillar of global society” (Moens, G. A. 2007). China is known for its significant global industrial production, and therefore has an “insatiable appetite for resource inputs and raw materials” (Harcourt, T., 2011). This is important for Australia, being a primary exporter of raw materials including wool, coal, iron ore and liquefied natural gas. In a 2011 Lowy Institute policy brief, China is considered the country “more likely to determine our prosperity than any other in this century” (Dupont, 2011). The aim of this paper is to investigate Australian-China business relations from an unexplored angle: what are the implications of China’s rule of law (ROL) with the Australian business relationship, in the context of high-profile commercial corruption cases in China.

The ROL is integral to international business, and is considered an important element of successful business relations (Moens, 2007). Globalisation, global markets and the internet are bringing about greater convergence in business practice (Garrett & Lehmann, 2005), however, this is not matched by the enhanced convergence of the notion of ROL across sovereign states. Despite its critical implication with international business, the ROL is an essentially contested notion (Radin, 1989). The ROL was established in Western discourse, and is essentially a principle which “requires that the governed and governors be equally subject to the same laws” (Moens, 2007, p. 58). Chinese leaders espouse the principle that establishing the ROL is crucial to sustaining China’s rapid economic growth and supporting its transition to a market economy and more social pluralism (Horsely, 2007). However, China’s
notion of ROL is different from Australia’s, and consequently this impacts on Australia’s business relations with China.

China’s practice of the ROL is evident in the three cases analysed in this research paper: the ‘Melamine Milk case’, the ‘Stern Hu case’ and the ‘Matthew Ng case’. These three cases involve high-profile commercial corruption, and not only received notable media coverage in Australia but also had an impact on Australia’s business with China, social attitudes towards China and caught the attention of the Australian Government. China’s internal challenges are increasingly becoming part of the global landscape and consequently have an impact upon the international community, (Brown, K. 2011), including Australia, which this paper demonstrates.

In the world today, information has become a source of both power and knowledge, and most people in Australia and across the globe rely on news media for information. The advancement of technology has prompted the wide spread of information – people in Australia can go online and read local newspapers published online in China. Moreover, the media often plays a particularly important role for the Australian government and policy makers in providing groundbreaking news of which they are otherwise ignorant and also influences public opinion. The broad influence of news media is unavoidable. This paper undertakes a unique investigation of this relationship between media, politics and public perceptions through a discourse analysis approach. This paper approaches the issue from the theoretical underpinnings of discourse analysis and media frames, exploring the relationship between media coverage, Australian political discourse and public opinion. Discourse is socially constructive and socially constructed, and therefore reflects social and political attitudes.
The idea of the ROL is perceived as integral to the functioning of international trade and economic relations (Haggard, et. al., 2008). Research underlines a commonly held perception in Australia that China’s ROL, both in theory and practice, is different from Australia’s, and Australia must defend its interests and values in light of this. In practice and theory, it is purported that China rules by law, rather than fostering a ROL, in its primary function of supporting the state apparatus.

The literature review in Chapter I, considers the existing research on corruption and the ROL in China. Research gaps are identified upon examination of the literature surrounding Australian and Chinese bilateral relations in this context. This paper addresses the need for a more detailed understanding in this realm of study. Chapter II provides a detailed review of the methodology undertaken, including justification for the choice of method design, strengths and limitations. Chapter III is a presentation of the research findings of the three cases analysed in this paper – The ‘Melamine milk case’, the ‘Stern Hu case’ and the Matthew Ng case’. It is important to acknowledge that a data lacuna exists in Case III the ‘Matthew Ng case’: an extensive search on the online Xinhua News Agency database led to no Chinese sources being located and therefore were not included in the content analysis of news frames. Chapter III comprises of an outline of each case, the findings of the content analysis of the media frames from both Australian and Chinese news coverage of each case, and an analysis of Australian media discourse and Australian political discourse. Finally, Chapter IV undertakes a discussion and analysis of the findings.
CHAPTER I – Literature Review

The ROL has become a “hallmark of modernity” alongside human rights, democracy and a market economy (Peerenboom, 2002a, p. 1). It is argued that sustainable economic development requires ROL (Peerenboom, 2002a). Therefore the ROL in China has come under particular scrutiny alongside its rising international presence. Many hold the view that the culprit of widespread corruption in China is the lack of transparent and predictable legal institutions and an honest and independent judiciary (Chen, 2005) which is related to the Western liberal notion of ROL. This chapter reviews the related literature on the concept ROL in China, in Australian notions of the ROL, before it considers the relevance of media and political discourse to this study. This chapter is organised as follows: Section 1.1. explores what is the ROL and why it is an important field of study. Section 1.2. concerns research on the ROL in China, which includes a review of the major issues and debates and the various methodologies and approaches to the topic. Section 1.3. discusses the concept of ROL in Australia, while section 1.4. considers the existing literature regarding the relationship of China’s ROL with Australian society and business relations. Finally, section 1.5. considers the role of media and political discourse in this context.

1.1 Perspectives on the Rule of Law

Definitions

The ROL is an “essentially contested concept” (see Radin, 1989). However, Peerenboom (2002b, p. 472) argues that despite this contention about the interpretation of the ROL, the broad consensual agreement on the concept should be acknowledged, which he states, “refers to a system in which law is able to impose meaningful restraints on the State and individual members of the ruling elite” as
encapsulated by the notions of “a government of laws, the supremacy of the law, and the equality of all before the law”.

The modern conception of ROL is integral to liberal democracy (Peerenboom, 2002b), as Sheehy (2006, p. 226) understands, “in a sense, it is a part of Western culture, and in particular Western Commercial culture”. Moreover, in contrast to the extensive volumes of ROL in Western literature, there are not many alternative concepts of ROL elsewhere. However, the literature review conducted for this paper observed the prevalence of Western literature concerning China’s ROL and its difference from the Western practice and theory of the notion (Carothers, 1998; Chen, 2000; Garret & Lehman 2005; Horsely, 2007; Jones, 1994; Kent, 2009; Moens, 2007; Peerenboom, 2002b; Sheehy, 2006).

Donnelly asserts that in English speaking countries the ROL has “a longstanding association with the protection of civil liberties” (2006 p. 42). Haggard (et. al., 2008) similarly contends the ROL primarily concerns the security of a person, followed by the principle of equal treatment and procedural fairness. According to Moens (2007, p. 58), the ROL is “a principle which requires that the governed and governors be equally subject to the same laws”. Donnelly (2006) draws attention to the argument that economic rights are considered more important than civil liberties in some developing countries with strong or dictatorial regimes. This highlights the issue that the ROL does not have a universal meaning and its understanding changes across different contexts.

Inevitably the author of this dissertation brings a Western conception of ROL to the consideration of Chinese law. Despite this limitation, this paper attempts to provide a
useful perspective on the idea of the ROL to assist the development of the Australian-Chinese business relationships.

1.2 China and the ROL

The PRC have made a commitment to strengthening the ROL, however, their version is not necessarily the liberal democratic version of which Australia is familiar. Former Chinese President, Jiang Zemin adopted the notion of running the country 'by combining the rule of law with the rule of virtue’ in order to create socialism with Chinese characteristics (cited in Jeffreys, 2008). In contrast to liberal democratic ROL, Zemin endorsed a State-centred socialist ROL defined by attaching equal importance to material, economic development and spiritual civilisation. Jeffreys (2008, p. 238) states that although the precise nature of the civic virtues is debatable “they clearly refer to principles enshrined in the PRC Constitution and education system such as the ‘Five Loves’ – love of the motherland, the people, labour, science and socialism, and ultimately love of Chinese Marxism and the CCP. They also refer to the historical accomplishments and renewed goals of the CCP in terms of eliciting public support for campaigns against the resurgent phenomena of corruption”.

Major Issues and Debates

A major debate concerning China’s ROL is whether or not it has ROL, or whether it rules by law. Peerenboom (2002a, p. 8) makes a succinct distinction between the two concepts: the ROL refers to “the ability of the law and legal system to impose meaningful restraints on the state and individual members of the ruling elite” whereas rule by law refers to the way law can be manipulated as a tool to be used by the state as it sees fit. Kent’s (2009) case study of Stern Hu supports Peerenboom’s (2002a) interpretation, as she argues that through China’s failure to internalise the other side
of the ROL, which concerns human rights principles, it is essentially rule *by* law. However, there are academics who take the middle line in this contentious debate, and argue that although China is not a country of ROL at the moment, that “should not detract us from acknowledging that they country has moved a long way from its ‘rule of man’ governance approach” (Panda, 2009, p. 129; see also Horsely, 2007).

The selective nature and arbitrariness of China’s law is another current issue. Kent (2009) notes the selective nature of China’s ROL occurs in areas where it appears most harmful to state interests. In an analysis of the Chinese criminal law system Cheng and Ma (2009, p. 169) observe that Chinese criminal law only sets general standards and has ambiguous terms, and thus leaves the “determination up to the regulatory or law enforcement officer to make the crucial decision before he or she refers the case to legal proceedings”.

The ROL is commonly associated with the idea of a modern democratic society, human rights and economic development (Haggard et. al. 2008). However, this conception can clash with that which is held by developing countries where economic rights are championed above civil liberties and rights (Donnelly, 2006). Jones (1994) cites Unger’s (1976) differentiated notion of law to argue that while law in China is primarily the bureaucratic or regulatory type of law, “China is a legally pluralistic society in which *guanxi* plays a central role but ‘full legal order’ is absent” (Jones, 1994, p. 204), with Western ideas of law normally associated with the notion ‘full legal order’. It is therefore essential to be attentive to the inherent assumptions embedded in literature in this field of research. Overall, there is consensus across the Western literature reviewed by the author, holding the view that China is rule *by* law more so than a ROL (Kent, 2009; Peerenboom, 2002; Cheng, H., Ma, L. 2009).
Methodologies

Undertaking study in comparative law context becomes a fragile and complex process. Potter (2001) asserts attention to the local contexts for the functioning of law in China can contribute in important ways to avoiding the pitfall of foreign expectations and assumptions. There are a number of approaches that can be undertaken in order to analyse the ROL in China. Kent (2009) makes use of the case study method in her paper and makes several assertions on China’s ROL through an analysis of the Chinese detainment of Stern Hu, a Rio Tinto executive and Australian national. In Peerenboom’s (2002) analysis of China’s legal reforms and ROL, he expressly states his approach avoided starting with the objective of testing China against any particular theory because of researcher assumptions and bias.

1.3 Implications with Australian-China bilateral relationship

China’s ROL has critical implications for the Australian-China business relationship. Firstly, it is important to establish what the concept ROL, means in Australia. The notion of ROL is integral to the functioning of the Australian legal system and broader society: Australia’s system of government is based on a fundamental belief in the ROL. Although the Australian Government uses the term ‘ROL’, often its meaning is assumed and lacks clarification or definition. However, through the literature review conducted (Cowdery, 2006; Kent, 2009; Sheehy, 2006; Spears, 2003), this paper understands that the broad consensus as to its core meaning in Australian society, corresponds to the liberal democratic interpretation. For example, Nicolas Cowdery (2006, p. 63), the NSW Director of Public Prosecutions from 1994 to 2001, stated the ROL connotes regulation by: “laws that protect and enforce universal human rights; laws that are certain, being prospective, open, clear and
relatively stable; law that apply generally and equally to all, including (so far as possible) to the government; laws that can be applied impartially, honestly and fairly and whose effects are subject to review by independent arbiters”.

Research on the Australian-China business relationship in the context of China’s ROL is a very specific field of study and correspondingly there is limited existing literature, particularly from Chinese sources. Kent’s paper *The Case of Stern Hu: Perspectives on China’s Rule of Law* is a key source in this area, and thus the departing point for this research paper. Kent (2009) explores the lessons Australia has learnt in respect to China’s handling of the recent Stern Hu case, her primary argument being that “China’s version of the rule of law is quite different from Australia’s and that that version may also, in times of stress, impact on our own society” (2009, p. 275).

Another valuable source is Moens’ article “The Importance of the Rule of Law in the Development of the Australia-China Business Relationship” (2007). Although it is a brief analysis of the relationship, it is useful by providing a broad summary of the business relationship whilst also evaluating the role of the ROL in the relationship.

There is little contemporary research on how China’s ROL in the context of corruption, influences and shapes Australian perceptions and the China-Australia business relationship. However, this does not signify the topic’s insignificance. On the contrary, Australian intellectuals and journalists frequently draws parallels between China’s ROL in the context of cases such as Stern Hu, and how this effects Australians, arguing that Australians who undertake business in China are at risk of their legal and human rights being threatened by China’s legal system (Rothwell, 2010; Kent, 2009).
China’s ROL is relevant to international business practice. In an analysis of the business relationship between Australia and the PRC, Moens (2007) perceives that the strengthening of the Australia-China business relationship largely depends on China’s implementation of the ROL. Moreover, the international aspect of corruption through the globalisation of financial markets makes the ROL difficult to uphold “due to a wide discrepancy in political systems, legal framework, culture and views on human rights” (Cheng, H. & Ma, L. 2009, p. 175).

1.4 Media Discourse and Discourse Analysis

This paper’s theoretical and methodological approach is grounded within the tradition of discourse analysis, which is essentially interested in the interrelationships between language and society (Stubbs, 1983). Discourse analysis is interested in how the world is constructed and how common sense understanding of it is mediated through language (Fairclough, 2010), through the examination of texts and expressions within a specific socio-political context. The notion of ‘discourse’ integrates many different meanings. It is not the intention of this paper to embark on a multi-layered discussion of the concept. Instead, this paper focuses on the mode of use of the term that is primarily relevant: the underlying theoretical assumption that ‘discourses’ are not unproblematic descriptions of a purported reality but systems that create meaning (Polzer, T., 2001).

There are two elements of research in this paper grounded by discourse analysis. Firstly, the concept of frame analysis is utilised in order to ascertain the perspectives and attitudes of Chinese and Australian media surrounding the cases selected in this study. The second part of the research, undertakes a Critical Discourse Analysis (CDA) of Australian political discourse and media discourse. Due to the ambiguous
and secretive nature of corruption and China, collecting data on corruption cases is a difficult task. However, there are a number of studies on corruption in China using a discourse analysis approach (Polzer, T., 2001; Wong, 2008), which demonstrates its suitability as a method for this research paper.

Frame analysis is the theoretical foundation of the first part of research in this paper. According to Bronstein (2005), the central logic of media framing is that journalists construct representations of society, which then members of the public use to make sense of the world, issues and events around them. A comparative analysis of American and Chinese news coverage of HIV/AIDS in China asserted that framing is the process in which journalists are influenced by cultural principles and “cognitive schemata” which then informs and provides meaning to their news stories (Wu, 2006, p. 232). Therefore, in one sense, framing is similar to the concept of social constructionism, whereby media shapes and constructs reality for the public.

CDA is the theoretical base of the investigation of Australian political discourse in this paper. The aim of CDA it to help reveal hidden, out of site, values, positions and perspectives (Paltridge, 2006), as discourses “are always socially, politically, racially and economically loaded” (Rogers, ed. 2004, p. 14). Consequently, this paper aims to investigate Australian political discourse, and take it beyond the level of description and provide a deeper analysis to ascertain whether the discourse is used in a particular way and the implications of this for the Australian-China business relationship. Van Dijik’s text ‘What is political discourse analysis?’ (1997) was crucial to the notion of Political Discourse Analysis (PDA) in this paper. Van Dijk (1997) takes a pragmatic approach to the issue and defines ways to undertake political discourse analysis and notably discusses the idea of political discourse as a form of political action.
CHAPTER II – Methodology

This chapter describes the multiple research methodologies undertaken in this paper to explore the research question, ‘How does China’s ROL in the context of high-profile commercial corruption in China, effect Australia’s perception of China and Australian-China business relations?’

2.1 Overview

The literature review in Chapter I, highlighted a gap in research and understanding on how high-profile commercial corruption in China and its ROL in this context impacts on Australia in multiple ways. More specifically, it identified a gap in literature concerning Australian perspectives of China in this context and the implications for Australian-China business relations. This study aims to address these gaps by constructing a specific method of inquiry that incorporates multiple case study methodology, a content analysis of news frames and an analysis of Australian media and political discourse. By employing multiple levels of research and analysis, this method of inquiry begins to address the complex nature of corruption and ROL in China and how this impacts on the Australian business relationship with China, and also Australian perspectives and political outlook concerning China.

2.2 Case study research

2.2.1 Overview

Case study research is a method of empirical inquiry that investigates a phenomenon in depth and within its real life context (Yin, 1994). Case study research involves the understanding of dynamics present within a single setting and therefore may involve either single or multiple levels of analysis within a single study (Yin, 1994). In order to best explore multiple levels of analysis, different data collection methods are
typically combined, including qualitative and quantitative, to test or generate theory (Eisenhardt, 1989).

Many of the elements associated with case study research are found in other methodologies, however, when they are combined, they form a broad approach to social research, and give case study research a distinct character (Denscombe, 2003). There are a number of defining characteristics of case study research. This includes: a focus on one instance rather than a mass study; in-depth study; a holistic understanding; a focus on relationships and processes; the case is a ‘naturally occurring’ phenomenon; multiple sources and multiple methods. This paper uses these defining characteristics as a deciding framework for the case study approach undertaken, which is illustrated in Table 1.
Table 1 Case Study Approach

<table>
<thead>
<tr>
<th>Defining Characteristic</th>
<th>Application to Research Paper</th>
</tr>
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<tbody>
<tr>
<td>Focus on one instance rather than mass study</td>
<td>This paper conducts an analysis of high-profile cases of commercial corruption in China, through the investigation of three specific high-profile cases.</td>
</tr>
<tr>
<td>In-depth study</td>
<td>The number of cases selected allows for a detailed analysis.</td>
</tr>
<tr>
<td>A holistic perspective</td>
<td>Case studies can lead to holistic understandings of social phenomena that emphasise the significance of context (Tellis, 1997).</td>
</tr>
<tr>
<td>A focus on relationships and processes</td>
<td>This paper investigates the relationship between the rule of law and corruption in China, Australian media and political discourse, Australian perceptions of China and the Australian-China business relationship. The case study was instrumental to this approach.</td>
</tr>
<tr>
<td>Case is ‘naturally occurring’ phenomenon</td>
<td>Author did not manipulate or interfere with case units of analysis.</td>
</tr>
<tr>
<td>Multiple sources and Multiple Methods</td>
<td>This research paper conducts both a content and discourse analysis, in order to explore the issue through a variety of approaches, which allows for multiple facets of the phenomenon to be revealed and understood.</td>
</tr>
</tbody>
</table>

2.2.2 Justification for case study research

Justification for case study research in this paper is twofold. Firstly, as the literature review demonstrates (Chapter 1), case study research suits the nature of the multiple topics under focus: China, corruption and the ROL. When undertaking research in these areas, it is important to take into account the cultural and political context. Anthropological methods, of which case study research is associated, are particularly suited “for analysing the habitually concealed and under-communicated, usually illegal, and sometimes illegitimate practice of corruption” (Andvig, J. C. et al. 2001, p. 49). Case study research involves the triangulation of multiple data methods, which not only provides stronger substantiation of constructs and hypotheses (Eisenhardt, 1989), but also a means to locate and use different data. Secondly, the choice of
research design has been associated with Yin’s (1994) three distinct conditions: (1) the type of research question posed; (2) the extent of control a researcher has over behavioural events; and (3) the degree of focus on contemporary as opposed to historical events.

The first condition – the type of research question – is understood by which it relates to the series of ‘who’, ‘what’, ‘where’, ‘how’, and ‘why’ questions. The principal question guiding this research was a “how” question:

How does China’s ROL in the context of high-profile business corruption effect Australia’s perception of China and Australian-China business relations?

‘How’ questions lead to explanations, and are best suited to case studies as they are investigated in-depth (Yin, 1994). The key phenomenon being investigated in the research, high-profile commercial corruption in China and the China’s ROL in this context, requires careful consideration of context. Therefore, the first condition justified the use of case study research. The second condition, referring to when an investigator has little or no possibility to control the events, also applies to this study. Finally, the three cases chosen for this paper were contemporary events, occurring within the past three years.

2.2.3 Strengths and weaknesses

There are both limitations and advantages of case study research. Firstly, as mentioned above in the justification for the method, the nature of ROL, corruption and the study of China promotes the use of case study method, as it brings into account the broader social context. Moreover, as noted in the literature review (Chapter 1), the case study approach has been previously employed in relevant studies.
of corruption in China (Kent, 2009; Rocca, 1992). In addition, Eisenhardt (1989) contends that the likelihood of producing valid theory through case study research is high because of the close connection between the theory building process and empirical evidence.

Despite these advantages, there are criticisms that the theory building process in case studies is limited by researcher assumptions and preconceptions. Therefore, in order to avoid this drawback, this paper did not start with the objective of testing China against any particular theory (Peerenboom, 2002a). Moreover, the case study research in this paper uses within-in country data from China, as well as within-country data from Australia, in order to avoid the risk of researcher expectations and assumptions. Another advantage is that case study research also allows for a holistic approach, and the use of multiple research methods, for instance, both quantitative and qualitative. Eisenhardt (1989) notes the case study method is frequently conceived as producing soft data and results in the preconception that case studies are ill-suited to analyses or evaluations. However, this paper incorporates the use of quantitative data (discourse analysis) and qualitative procedures (content analysis) in order to validate the case study method.

2.3 Content Analysis

2.3.1 Overview

Content analysis is a research methodology frequently used in social science research and is a method of inquiry utilised in this research paper. This section provides a brief overview of the main characteristics of content analysis. The figure below depicts the
six-part definition of content analysis identified in Neuendorf’s *The Content Analysis Guidebook* (2002) which was adopted in this paper.

**Figure 1 Characteristics of Content Analysis Approach**

Source: Adapted from Neuendorf (2002)

The main characteristic of content analysis is an attempt to meet the standards of the scientific method. This includes attending to criteria, such as: objectivity-intersubjectivity; an a priori design; reliability; validity; generalisability; replicability; and hypothesis testing. Neuendorf (2002) states that the primary subject of investigation must be communication content and the goal is to produce a numerically based summary of a chosen unit of analysis. Moreover, content analysis summarises rather than reports all details, it seeks to generate generalisable conclusions. Content analysis is applicable to all contexts. However, it is commonly adopted for mass communication research, as Riffe and Freitag’s (1997) study showed, 34.4% of the mass communication articles published during 1995 in *Journalism and Mass Communication Quarterly* were content analyses. Finally, all message elements can be content analysed, including manifest (elements which are physically present and
countable) versus latent (unobserved concepts that cannot be measured directly, for example frames) content, and content versus form characteristics.

2.3.2 Justification for content analysis

The justification for the use of content analysis is threefold. Firstly, as the literature review in Chapter 1 demonstrates, the nature of corruption and the ROL are ambiguous and culturally specific terms. In order to not lose sight of this observation, this paper sought a method that was conducive to using different sets of data from both Chinese and Australian online newspapers, but then also allows for cross-country comparison. Secondly, as noted in section 2.3.1, content analyses are frequently used in studies of the mass media, which supports its suitability for this paper. Moreover, there are an extensive number of frame analyses using a content analysis methodology (Ashley & Olson, 1998; Bronstein, 2005; Chang et al., 1994; Hoffman & Slater, 2007; Luther & Zhou, 2005; Mastin, et. al., 2007; Semetko & Valkenburg, 2000), demonstrating the compatibility of the two methods. Thirdly, as a method incorporated into an overall case study approach, it provides a quantitative element to this paper, which improves its validity.

2.3.3 Strengths and weaknesses

The prevalence of content analyses in mass media research is not only a justification for the use of the method, but also part of its advantage. This demonstrates that, by consensus, it is a fitting method for the research undertaken in this paper. There is an extensive list of existing studies using a content analysis in media discourse (see Ashley & Olson, 1998; Bronstein, 2005; Hoffman & Slater, 2007; Iris Chyi & McCombs, 2004; Mastin, et. al., 2007; Matthes, J. & Kohring, M., 2008; Semetko & Valkenburg, 2000; Zhou & Moy, 2007).
Content analysis is criticised for its claim of objectivity. As Matthes and Kohring (2008) argue, by deciding what to look at, for instance, what will constitute the unit of analysis, the researcher makes a subjective choice in defining certain dimensions or aspects of a text to analyse. Moreover, this paper involves a content analysis of news frames, where a frame is an “abstract variable” that is difficult to identify and code, which makes it difficult to neutralise impact of researcher (Matthes & Kohring, 2008). In order to reduce the vulnerability of this paper to such criticism, a unique methodology was adopted and is detailed in section 2.7.2.

2.4 Framing analysis

2.4.1 Overview

Frame analysis has become an important and popular methodology in journalism and mass communication research. In essence, frame analysis is an examination of the selection and salience of certain issues or aspects of issues (Matthes, 2009). In order to undertake a content analysis of the presence of frames within news articles, one needs a frame concept that provides a “clear operational definition of frame elements” (Matthes & Kohring, 2008, p. 59). There are many conceptualisations of a frame present in the literature. For example, Gitlin (1980, p. 6) conceives frames as “principles of selection, emphasis, and presentation composed of little tacit theories about what exists, what happens, and what matters”. Goffman (1974, p. 21) states that in everyday life we “frame reality in order to negotiate it, to manage it, comprehend it, and choose appropriate repertories of cognition and action”. It is also described as a “central organising idea or story line that provides meaning” to events related to an issue (Gamson and Modigliani, 1987, p. 143).
As Entman (1991, p. 8) says, a frame makes opposing information more difficult for the average inexpert audience to perceive which suggests the hypothesis, when a single frame dominates a narrative, then “politically impressive majorities will come to congruent understandings”. However, Entman (1991) notes this does not necessarily mean everyone interprets the event the same. A number of studies have emerged which demonstrate that Chinese media institutions manipulate language in order to represent events in ways that are compatible with their political or ideological standpoints (Wang, 2009, p. 180). The media frequently presents information about events that occur outside of the direct realm of experience of the majority of the society. Thus, the media is a primary and often only, source of information on particular events and issues, furthermore, they are responsible for making comprehensible these “problematic realities” (Hall, ed. 1980). Thus, the way the media portrays a problematic event within the conventional understandings of the society is important in two ways: firstly “the media define for the majority of the population what significant events are taking place, but, also, they offer powerful interpretations of how to understand these events” (Hall, ed. 1980, italics in original). This demonstrates the underlying significance of media frames.

2.4.2 Justification for framing analysis

The choice for conducting a content analysis of news frames is primarily based on the underlying theory: media frames influence and shape the public’s perception of news issues. The focus of the content analysis of news frames in this paper is concerned with how specific properties of the news, encourages those who are perceiving and thinking about events to develop particular understandings about them (Entman, 1991).
2.4.3 Strengths and weaknesses

It is important to acknowledge both the limitations and advantages of framing analysis in this paper. The first limitation being, this paper does not undertake a complete exploration of the interaction between media discourse and opinion formation. News frames can be analysed from either the “news provider perspective or an audience perspective” (Parsons & Xiaoge, 2001). The frame analysis in this study falls in the category of media frames as a dependent variable. Moreover, identification of salient frames in the two news discourses – *The Australian* and the *Xinhua News Agency* – suggests a regularity of meanings constructed by the news audience (Wu, 2006).

The second limitation of framing analysis, particularly in a cross-country comparative analysis, is the extent to which frames can be generalised. It cannot be assumed that Western news values and concepts can simply be transformed into news frames in China. This would not acknowledge the political and ideological environments in which newspaper organisations operate (Luther & Zhou, 2005). This problem is addressed in two ways. Firstly, previous studies have demonstrated that major news frames in Western press were often present in the Chinese news content (Luther & Zhou, 2005). Secondly, the method used, discussed in Section 2.7.2, improves the validity of findings, as frames are empirically determined and not subjectively defined according to Western values or researcher bias’.

Frames can be difficult to detect, as framing devices, for example, syntactical or rhetorical structures (Pan & Kosicki, 1993), may appear normal and unremarkable to new consumers. However, Entman (1991, p. 6) observes that comparisons reveals frames, demonstrating that “choices are not inevitable or unproblematic but rather are central to the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*) in the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*) in the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*) in the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*) in the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*) in the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*) in the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*) in the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*) in the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*) in the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*) in the way the news frame helps establish the literally ‘common sense’ (i.e. *common sense*).
widespread) interpretation of events”. Therefore, the comparative analysis of Australian and Chinese news coverage complements the framing method.

Framing research is frequently criticised for methodological problems regarding validity and reliability (Matthes and Kohring, 2008). For example, often frames are extracted from news discourse with no explanation as to how this was done, and this runs the risk that researchers are detecting frames which they were consciously or unconsciously searching for (Matthes & Kohring, 2008). On the other hand, it may be that, with the deductive approach, researchers are approaching a text with a predefined list of frames, which may suit the issue under investigation or new frames may be overlooked (Semetko & Valkenburg, 2000, p. 94).

2.5 Justification for the application of frame theory to content analysis research method

The impetus behind applying frame theory to a content analysis design in the research was twofold. Firstly, benefits lay with the suitability of the content analysis method in detecting the presence of news frames. Frame analysis is frequently criticised for its subjective processes inherent in identifying the frames in the text (Matthes & Kohring, 2009). Therefore, this problem is addressed by the application of content analysis to identify frames by shifting the problem to the content analytical assessment of frame elements. Secondly, the content analysis approach provides a structure by which research reliability and validity can be improved. Frame analysis is particularly fraught with methodological criticisms, concerning objectivity. However, through the use of content analysis, detecting frames becomes more systematic.
2.6 Discourse Analysis

2.6.1 Overview

Discourse analysis is the analysis of language in use (Brown & Yule, 1983). However, discourse extends beyond language in use, and is relative to social, political and cultural formations, “it is language reflecting social order but also language shaping social order, and shaping individuals’ interaction with society” (Jaworski, A. & Coupland, N., ed. 2006). Thus, language is both constituting and constitutive (Fairclough, 2010). The element, which separates discourse from a simple speech act, says van Dijk (1997, p. 2) is that the events or acts happen as “part of more complex social events”. In other words, discourse as social action occurs “within a framework of understanding, communication and interaction which is in turn part of broader sociocultural structures and processes” (van Dijk, 1997, p. 21). Therefore, in its analysis of Australian media and political discourse, this paper adopts the critical discourse analysis assumption that discourse is a form of social action and interaction.

2.6.2 Justification

The justification for the incorporation of discourse analysis as a methodology in this paper is twofold. Firstly, the theoretical underpinnings of discourse analysis suit the research assumptions of this paper. In undertaking an analysis of media frames, and perspectives embedded in media and political representations of the three selected cases, this paper assumes that newspaper coverage of a particular event or issue not only reflects social opinion and prominent ideologies of a particular society, but also has the ability to shape perspectives on an issue. Similarly, this paper purports that political discourse reflects perspectives of policy-makers and can also be considered as political “action” (van Dijk, 1997). Secondly, the nature of the data used in this
paper is appropriately suited to the methodological processes of discourse analysis. Due to the complex nature of corruption, it is difficult to obtain reliable data on the three cases. Therefore, the data collected in this paper includes online newspaper articles and political transcripts, publicly available data. However, these sources of data are inherently bias and context sensitive. The aim of this paper is to reveal hidden values, positions and perspectives (Paltridge, 2006), which fits the aims of discourse analysis.

2.6.3 Strengths and weaknesses

There are a number of shortcomings and advantages to undertaking discourse analysis. In the 1970s, Golding and Murdock (1979) argued that the analysis of media based on ideology did not take into account the concrete linkages between mode of production, sectoral organisation of the media and professional codes of media makers. Therefore, Toynbee (2008) notes that the ideological approach relies solely on inference on textual analysis for its account of how power relations is embedded in media output. Moreover, the monological (one way) structure of media does not necessarily entail powerful media (Toynbee, 2008), which is often assumed in news discourse studies. It is hard to measure the influence of media on its audience, and “CDA does not analyse how a text can be read in many ways, or under what social circumstances it is produced and consumed” (Blommaert & Bulcaen, 2000, p. 455).

Another critical debate is that there “is a tendency to assume the a priori relevance of aspects of context in CDA work: analysts project their own political biases and prejudices onto their data and analyse them accordingly” (Blommaert & Bulcaen, 2000, p. 455-456). Particularly when undertaking cross-cultural comparison, it is important to acknowledge this shortcoming, where the researcher may consciously or unconsciously assert their bias’ and predilections onto the data.
This is similar to Stubbs’ (1996) concern of whether the selection of text is representative. For the analysis of Australian political discourse undertaken in this paper, transcripts were found through the Australian Parliamentary search database, Parlinfo and also through a search on Australian government websites. All the available data found for each case were used, including press conference transcripts, media statements, and other relevant transcripts; therefore, there is no question of representation in this instance, as a census of data was used. However, in regards to the media discourse analysis, due to the extensive volume of data available concerning the three cases, a representative sample was selected. It is here questions of representation may potentially arise.

2.7 Conducting the Research

After a thorough outline of the multiple methodologies undertaken in this paper, including their underlying theory, limitations, strengths and justification for use, the following section details how the research was conducted using each methodology.

2.7.1 Case study method

2.7.1.1 Overview

This section details the case study methodology undertaken in this paper. Essentially, the case study approach is a framework, within which, the content analysis of frames and discourse analyses are conducted.
2.7.1.2 Design

Case study research is comprised of five parts according to Yin (1994): (1) a study’s questions; (2) a study’s propositions, if any; (3) a study’s units of analysis; (4) the logic linking data to its propositions; and (5) the criteria for interpreting the findings.

An in-depth literature review is crucial in clarifying the study’s research questions and aims. This was conducted and presented in Chapter 1. From here it is important to define the units of analysis, as these provide the perimeters of cases in question. The selected cases should reflect characteristics and problems identified in the underlying theoretical propositions/conceptual framework. Therefore, in this paper, case selection was conducted on a theoretical, not random basis. Moreover, cases were selected on the basis of expectations about their information content. It is important that replication logic is followed in the selection of cases, so that, findings may be strengthened through replication under different contexts. Findings from individual case analyses provide the basis for cross case analysis, refinement of theoretical propositions and analytical generalisation.

Data analysis

Analysis began with the within-case analysis, a separate examination of each case within its individual context. The second step built on the first, by engaging in a cross-case analysis to explore patterns and themes that had emerged in within case analysis.

2.7.1.3 Method

To investigate the research question, this study sampled three cases: Case I, the ‘Melamine Milk case’; Case II the ‘Stern Hu case’; and Case III, the ‘Matthew Ng case’. The justification behind the selection of these cases is twofold. These three
cases of high-profile commercial corruption in China, involve the Chinese judicial system. This is important to this study, which is concerned primarily with China’s ROL. The ‘Melamine milk case’ involved the corrupt practice of individuals within specific dairy companies and local government officials; the ‘Stern Hu case’ involved four Rio Tinto colleagues who conducted acts of bribery; and the ‘Matthew Ng case’, pertains to the alleged bribery and embezzlement conducted by the Australian businessman Matthew Ng. Secondly, these cases are considered ‘high-profile’, the discerning criteria of this being that the Australian media, public and government were aware of these cases. The ‘Stern Hu’ and ‘Matthew Ng’ cases are similar to the extent that they involve Chinese-born Australian citizens. The ‘Melamine milk case’ was included as a deviant case and may broaden, confirm or contradict patterns or explanations, which emerge during the data analysis stage.

2.7.2 Content analysis of news frames

2.7.2.1 Overview

This section details the methodology used to examine news frames in the coverage of three cases involving high-profile business corruption in China by the Australian newspaper The Australian and China’s official Xinhua News Agency (Xinhuanet). The Design sub-section (2.5.2.2), provides a detailed explanation of the content analysis research process undertaken. The Method sub-section (2.5.2.3) explains the actual research conducted, including the research hypotheses and questions, and data collection.
2.7.2.2 Design

The following sub-section provides a detailed account of the method design utilised in the study. Adhering to the framework put forth by Neuendorf (2002) and illustrated in Figure 2, the content analysis of news frames followed nine phases. The purpose of this section is to provide an in-depth understanding of exactly how the research was conducted, to assist assessment of the quality of the research and provide the foundations for replication of methods in further study.

**Figure 2 Flowchart for the Content Analysis Research Process**

![Flowchart for the Content Analysis Research Process](image)

Source: Adapted from Neuendorf (2002)

2.7.2.3 Method

The content analysis examines Australian and Chinese news coverage of three high-profile business corruption cases in China – the ‘Melamine Milk case’, the ‘Stern Hu case’ and the ‘Matthew Ng case’. The purpose of the content analysis is to understand from what perspective or frame each news organisation presents each case. Content analysing media discourse from both Australia and China provides the opportunity for
a comparative case analysis. This is useful, as both the concept of corruption and the ROL are culturally sensitive and context specific.

*Research Hypotheses and Research Questions*

The first aim of this content analysis was to identify the frames that underlay Chinese and Australian news coverage of the three selected cases. Therefore, the first two research questions applicable for each case is:

RQ1: Were there any observable frames in *Xinhuanet’s* news coverage of the case?

RQ2: Were there any observable frames in *The Australian’s* news coverage of the case?

A second aim of this study was to observe whether there are differences in Australian and Chinese news coverage of the two cases. Therefore, the third research question proposed was:

RQ3: Did the news frames vary across the two online news coverages? Were there some frames that featured more prominently in one press than in the other?

*Media Sample*

To compare Australian and Chinese news coverage of the three cases of high-profile commercial corruption in China, samples of news stories were taken from *The Australian* and Xinhuanet News Agency. These are major daily newspapers in each respective country, and inclusion was decided on the assumption that they set the agenda to some extent for other news media in each country.
The choice to content analyse *The Australian* was twofold. Firstly, *The Australian* is Australia’s only national broadsheet newspaper, with a readership of 432,0001 and a circulation of 130,307 (Margaret Gee’s Australian Media Guide). As such, it is considered one of the most influential newspapers in Australia.

Xinhua News Agency, is the official organ paper of the Chinese Communist Party (Luther and Zhou, 2005; Yin, 2007) and is seen to shape the agenda for other news publications in China. Yin (2007) contends the paper claims a circulation of 3,000,000 to 4,000,000 worldwide and “functions as the official ideological apparatus for the Chinese government” (Yin, 2007, p. 79). This study will analyse the selected content of the English language version of the news website Xinhuanet, therefore, it is important to bear in mind, that as it is written in English, it may be directed at a foreign readership.

*Period of Study*

The time frame for each case was divided into two phases. The first phase includes the period from when the case was initially reported by the particular newspaper, until the commencement of any trials related to the case. The second phase was dated from the commencement of the trial, until the current study commenced. Therefore, the ‘Melamine Milk case was divided into the following phases:


Phase II: 27 December 2008 – 18 August 2011

1 This number was taken from a Roy Morgan poll and refers both the circulation number but also takes into account the number of people who read the same newspaper. <http://www.roymorgan.com/news/press-releases/2011/1402/>
For Case II ‘Stern Hu’, it was similarly divided into two phases, which were the following:

Phase I: 7 July 2009 – March 21 2010

Phase II: March 22 2010 – 18 August 2011

For Case III the ‘Matthew Ng case’, it was similarly divided into two phases. However, for this specific case, only newspaper coverage from *The Australian* is content analysed, as a keyword search in the *Xinhuanet* news database did not return any matching results.

News articles from *The Australian* were collected via the ProQuest Central database, using key words which included: in Case I ‘China’, milk’, ‘melamine’; Case II ‘Stern Hu’, ‘Rio Tinto’; and Case III ‘Matthew Ng’. Articles in which the key words were mentioned but unrelated to the specific case were not included in the study. For Case I ‘Melamine Milk’, this resulted in 24 articles from *The Australian* and 9 articles from *Xinhuanet* in Phase I, and 5 articles from *The Australian* and 17 articles from *Xinhuanet* in Phase II. For the ‘Stern Hu case’ this resulted in 40 articles from *The Australian* and 21 articles from *Xinhuanet* in Phase I, and 35 articles from *The Australian* and 7 articles from *Xinhuanet* in Phase II. For Case III the ‘Matthew Ng case’, 8 articles were collected and analysed for Phase I, and 5 articles for Phase II from *The Australian*.

**Media Frames**

The methodology undertaken in this paper is adapted from two specific studies (Matthes & Kohring, 2008; Zhou & Moy, 2007). Essentially both these methods are based around Entman’s (1993, p. 52) conceptualisation, that “to frame is to select
some aspects of a perceived reality and make them more salient in a communicating context, in such a way as to promote a particular problem definition, a causal interpretation, moral evaluation, and/or treatment recommendation for the item described”. Entman (1993) argues that frames essentially define problems – determine the situation; diagnose causes – identify the agent creating the problem; make moral judgements – evaluate causal agents and their effects; and suggest remedies – offer and justify treatments for the problems and predict their likely effects. Moreover, Entman (1993) notes that a frame may not necessarily include all four functions.

The following section explains the frames identified in the three cases:

*Three frames defining problems*

The media employed one of the three approaches to define the nature of the problem in each case: authorities account; “behind-the-scenes” stories; factual report. One was to echo reports by the authorities, reiterating what either the Chinese or Australian government had said on the issue. The second approach was to investigate and question the aforementioned facts and propose alternative “behind-the-scenes” stories. For example, these articles quoted opinions of lawyers and academics or were opinion pieces. The third approach, labelled ‘factual report of events’, was coded in the case that the article did not reference a source and was basically a report, reiterating ‘facts’ of each case.

*Four frames diagnosing causes*

News reports also tended to attribute the outcome of the trial and overall issue to a number of factors. Frames across both types of text suggested four main causal factors: the Chinese government; corrupt individuals; Chinese culture; the Chinese
judicial system. Moreover, the content analysis further clarified the causal factor ‘Chinese government’ to ascertain whether the emphasis was on the corruption of the government, the incompetence of the government or the government acting in national interest.

Four main frames making moral judgements

There were multiple moral judgement frames used by journalists in each case. News reports morally judged each case as violating human rights and dignity. In addition, some news reports portrayed the case from a human interest perspective, exemplified by one report which quoted Stern Hu’s wife who “had high blood pressure and would face financial strife after Mr Hu’s jailing, given that she has no job and must care for Mr Hu’s octogenarian parents” (Sainsbury, 2010a). Other news reports emphasised the impact on the international community, for example, the risk foreign business people undertake in working in China. Another frame, the defence/progress frame (Wu, 2006), makes a positive moral judgement and was frequently sited in Xinhuanet’s reporting, it cast an optimistic picture of China’s fight against corruption. The most prominent aspect of this frame was the emphasis on the PRC’s action. Some articles generally stated that the trial was unfair, and despite no elaboration, were coded as making a judgement.

Five main frames suggesting remedies

Finally, with respect to treatment/remedy recommendation frames, some news reports advocated greater transparency in the government, where others emphasised increased ROL in China’s judicial system. Not many, if any, called for reinvestigation or retrial, however, some emphasised the role of the Australian government or the media in holding the Chinese government accountable. Moreover, some articles recommended
that the solution simply is for foreign business people to abide by Chinese law and increased control of foreign companies operating in China.

Coding Procedure

The unit of analysis is the news story and two coders were trained by the author for the coding process. A coding sheet was developed and tested in order to detect the presence of frames. A series of questions were posed to the coder, concerning Entman’s (1993) four functions of frames: problem definition, causal interpretation, moral evaluation and treatment recommendation. The questions primarily included:

1. Primarily, from what angle (eg. authorities’ accounts, “behind the scenes” stories) was the nature of the case defined?

2. Did the article suggest a cause of the issue in the case? If so, who/what did the article suggest is the primary case of the issue in the case? (e.g. Government corruption, corruption individual, Chinese judicial system)

3. Did the article express a moral evaluation overall of the case? If so, was it positive or negative? Did the article express a moral evaluation of the case primarily form the angle of human rights/dignity, human interest perspective, defence of the PRC?

4. Did the article suggest a treatment or remedy for the issue in the case and/or the trial outcome? If so, was it for example, transparent government, retrial, strengthened rule of law, or other?

5. What was the primary focus of the article? Was it ‘cause’, ‘effect’ or ‘treatment’?

These five sets of questions were coded for all cases. Coder’s were not asked to determine one frame function, but were asked questions concerning each. This was to
increase the validity as it did not restrict a coder’s answer to only one frame element.

Moreover, a coding scheme was developed to assist the coders and assure validity and reliability between coder responses.

**Data analysis**

For the content analysis undertaken in this paper it was possible to analyse the results ‘by hand’. There is no single method as to how the data should be analysed. However, fundamentally the data analysis needs to address the research questions posed, which gives an indication of the main axes of comparison which needs to be examined (Hansen et al. eds., 1998). Therefore, in this instance the analysis involved detecting the presence of news frames and comparing them across the two news organisations. The starting point for analysis was to establish the distribution or frequencies for each of the main questions posed in the coding scheme, before moving on to conduct more complex analyses. The content analysis method does not instruct how to interpret the wider social significance or meaning of the quantitative indicators generated by content analysis (Neuendorf, 2002). Rather this needs to be developed from the theoretical framework bounding the study (Hansen, et al. Eds., 1998) which in this case is the theory of both frame and discourse analysis which articulates the relationship of the text to its wider context of production and consumption.
2.7.3 Discourse analysis

2.7.3.1 Overview

Various methodologies are used in discourse analysis. The discourse analysis undertaken in this paper is composed of two separate parts. One part consists of the critical analysis of political discourse, and the second part involves the analysis of Australian media discourse. Therefore, there are slight differences in the methodology undertaken which is discussed in this section. This paper does not necessarily adhere to a pre-existing framework concerning the methodology of discourse analysis. However, it does build upon existing studies which use discourse as an analytical approach (see, for instance: Gamson, & Modigliani, 1989; Wu, 2006; Pan, & Kosicki, 1993; Yin, 2007; Zhou & Moy, 2007).

2.7.3.2 Design

The discourse analysis undertaken in this paper is two-tiered. Firstly, an analysis of Australian political discourse concerning the three separate cases was conducted. Secondly, this paper considers how the Australian media shapes and presents the three cases through its discursive practices. Paltridge’s (2006) steps for undertaking critical discourse analysis guided the methodology in this study, these are detailed in Table 2.
Table 2 Steps for undertaking Critical Discourse Analysis

<table>
<thead>
<tr>
<th>Framing</th>
<th>Consider the framing of the text: how the content of the text is presented and the angle or perspective the writer/speaker is taking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foregrounding</td>
<td>What concepts and issues are emphasised? What issues are played down or backgrounded in the text?</td>
</tr>
<tr>
<td>Background Knowledge</td>
<td>What are the assumptions, attitudes, and points of view the text presupposes? Is the intended audience of text expected to share views expressed in text or not?</td>
</tr>
<tr>
<td>Sentence level</td>
<td>Consider what has been topicalised in each of sentences: what has been put at front of each sentence to indicate what it is about?</td>
</tr>
<tr>
<td>Agent-patient relations</td>
<td>Who is doing what to whom? Who has most authority and power? What agents have been left out of sentences (ie. passive voice) and why?</td>
</tr>
<tr>
<td>Word and phrase level</td>
<td>Connotations of particular words and phrases, texts degree of formality or informality, degree of technicality, what this means for other participants in text. Choice of words to express degrees of certainty and attitude.</td>
</tr>
</tbody>
</table>

Source: Adapted from Paltridge (2006)

2.7.3.3 Method

Data selection

The political discourse analysis was conducted through analysis of interview transcripts, press conference transcripts and Parliamentary papers such as Senate Committee Hansards collected through the Australian Parliamentary website Parlinfo search. For Case I, the ‘Melamine milk case’, 5 sources were collected and analysed; 21 sources for the ‘Stern Hu case’; and 4 sources for the ‘Matthew Ng case’. There was no timeframe placed on the data sources, and it was possible to use all the available data from the search without choosing a representative sample, due to the small data size.

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Data for the media analysis was sourced through the Pro-Quest Central database.

News articles from *The Australian, The Sydney Morning Herald* and *The Age* (Melbourne) were collected via the ProQuest online search database, using key words which included: in Case I ‘China’, ‘milk’, ‘melamine’; Case II ‘Stern Hu’, ‘Rio Tinto’; and Case III ‘Matthew Ng’. Articles in which the key words were mentioned but unrelated to the specific case were not included in the study. Moreover, media transcripts and articles were collected from the Australian Broadcasting Corporation (ABC) website, the ABC is Australia’s national public broadcaster.

**Data Analysis**

The media and political discourse analysis was modelled on Paltridge’s (2006) steps, detailed in section 2.7.3.2, Table 2. Moreover, van Dijk’s (1997) text *What is Political Discourse Analysis?* was particularly useful during the data analysis phase of the discourse, as van Dijk prescribes a pragmatic way to ‘do’ political discourse analysis.
CHAPTER III – Research Findings

3.1 Case study I: the ‘Melamine Milk case’

3.1.1 Context of Study

On 16 July 2008, the Chinese media first reported that powdered infant formula had been tainted with melamine, after sixteen infants in Gansu Province, who had been fed on milk powder produced by the company Sanlu, were diagnosed with kidney stones.

By December 2008 at least 6 babies died and another 294, 000 had became ill after drinking powdered milk tainted with melamine in China. The World Health Organisation’s 2008 report of the melamine-contamination case stated that young children were hospitalised for urinary problems, possible renal tube blockages and possible kidney stones related to the consumption of the melamine contaminated milk formula (Hilts & Pelletier, 2008).

Melamine is an industrial chemical compound that is widely used in plastics and adhesives. In China, water had been added to raw milk to increase its volume, and as a result of this, the milk had a lower protein level. Consequently, melamine was intentionally added to milk powder for at least 9 months, to make it appear to have a higher protein content and thus pass the quality milk tests.

Sanlu Group, a state-owned dairy company was the initial focus, however after an investigation by China’s General Administration of Quality Supervision, Inspection
and Quarantine (AQSIQ), it emerged that at least 22 dairy manufacturers across the country were found to have melamine in some of their products.

It emerged that not only had Sanlu tried to cover up the incident, but so did local officials. As a result of the milk contamination, the director of AQSIQ was required to stand down. Altogether, 21 people were tried and sentenced for their role in the melamine milk case at different courts in Shijiazhuang. Among these, two were sentenced to death, one received a suspended death sentence, three were jailed for life, and the other fifteen imprisoned for terms ranging from two to fifteen years (Guanqun, ed. 2009).

3.1.2 Content analysis

RQ1 Were there any observable frames in Xinhuanet’s news coverage of the case?

Xinhuanet articles relied on both authorities’ accounts and “behind-the-scenes” stories to define the ‘Melamine milk case’. Based on previous studies of Chinese media (Luther & Zhou, 2005), this paper expected that the Xinhuanet would primarily use authorities’ accounts to define the issue, and particularly because the Xinhuanet is affiliated with the PRC. However, it is relevant to note that the journalists, who investigated the “behind the scenes” stories, were not acting as a watchdog on the authorities but rather used it as a strategy to emphasise the amorality of those who contaminated the milk, and depict a positive image of the Government. For instance, one article quoted a father who said, “I’m going to wait for the government to put the market in order and then decide what to feed my son…The government will put it on the right track” (Fu & Qu, 2008).
Xinhuanet articles primarily interpreted the issue as a problem of corrupt and unethical individuals. In Phase I, nearly a tenth of the articles attributed it to Chinese business culture. However, these articles also shifted blame to foreign corporations for example, one article quoted a women who said, “I really hope the government can expand the checks and testing to more overseas brands of infant formula” (Zhu & Ji., 2008) and a small percentage in Phase II (6%), accused the government of incompetence.

Moral evaluations in the Chinese coverage notably portrayed the case from a human interest perspective, for example, one report quoted a mother who bought Sanlu milk because it was the best she could afford for her daughter, however, her two-month old daughter had to go to hospital for her kidneys (Fu & Qu, 2008). Moral evaluations decreased in Phase II. The moral judgements of the Xinhuanet journalists primarily consisted of the defence frame, which is constructed through the extensive coverage of the Chinese government’s concrete action and commitment to addressing the problem. One article quoted Premier Wen Jiabao, who said that “China had spent more than 2 billion yuan in providing medical checks to more than 30 million children affected in the 2008 melamine scandal, and had paid insurance for those sickened” (Yang, ed., 2010). A third of the Xinhuanet articles in respect to the trials of the case, made moral evaluations, they were primarily presented from a positive perspective and constructed through the progress frame. One article noted, “the Chinese government will look into every food safety incident and punish those responsible” (Juan, 2010).

Just over half of the articles in Phase I paid attention to remedy recommendations including a call for more transparency in the government (11.1%), reinvestigation and testing of milk stations (11.1%), stronger moral ethics of individuals (11.1%) and trust
in the government to handle and ‘put right’ the situation (22.2%). One article noted
the government’s promise of free exams and treatment to all who consumed the
tainted milk (Zhu & Ji, 2008) and another article discussed the national hotline
opened by the government supplying medical consultations (Yao, ed., 2008a). One
article quoted someone who said, “I’m going to wait for the government to put the
market in order and then decide what to feed my son…The Government will put it on
the right track” (Fu & Qu, 2008). However, remedies suggested in Phase II decreased.
The main focus of the Xinhuanet articles in the Melamine milk case was ‘treatment’,
in Phase I, 66.7% articles focused on this and 82.6% of articles in Phase II. This
meant that the majority of Xinhuanet articles stressed the action and measures the
government was taking to address the issue, for instance, one article stated, “Chinese
central government is sending teams of officials after a contaminated baby milk
scandal to make sure the investigation is carried out properly” (‘China orders’, 2008).
Noticeably, frames that implied moral evaluations were not common.

RQ2 Were there any observable frames in The Australian’s news coverage of the
case?

The Australian news coverage of the “Melamine milk case” primarily relied on
“behind-the-scenes” stories to define the case, acting as a watchdog on the authorities
and accounts coming from China. Journalists’ interpretation of the cause of the case
was primarily concerned with corrupt individuals. However, in Phase I, nearly 10%
perceived the problem as one of government incompetence, and this sentiment
doubled in Phase II. For example, one journalist commented “The trail of events in
the milk disaster is thus raising profound questions about the governance of China”
(Callick, 2008a).
In Phase I, nearly half of The Australian articles offered a remedy to the case, which included a call for more transparent government (4.1%), strengthened ROL (5.9%), and the recall and testing of products (29.2%). Moral judgements in Phase I decreased, with the main focus shifting to a human-interest perspective. Noticeably, within the causal interpretation frame, articles drew attention to the alleged media censorship on behalf of the Chinese government to cover up the extent of the milk contamination.

Treatment recommendations were primarily concerned with increased transparency of government, and a strengthened ROL. The majority of the articles in Phase I (41.7%) dealt with ‘treatment’ and in Phase II (60%) the ‘effect’ of the milk contamination.

RQ3 Did the news frames vary across the two online news coverages? Were there some frames that featured more prominently in one press than in the other?

News frames did vary across the two online news coverage of the case (see Appendix I). Journalists from both news organisations primarily interpreted the issue to be concerned with corrupt individual practice, although in The Australian news coverage, government incompetence was also blamed. The most significant difference was the moral evaluation frame, overall, The Australian journalists made more judgements. Whereas, the smaller number of Xinhuanet articles that implied moral evaluations were concerned from a human interest and defence perspective, this contrasted the moral evaluations of The Australian articles. Both news organisations differed in regards to remedies, with the Australian focussing more on transparency and ROL, whereas, the Xinhuanet included calls for stronger moral ethics of individuals. Xinhuanet articles clearly focus on treatment, contrasting The Australian
article focus, which was broader and spread across the three frames. Notably the Xinhuanet journalists do not focus on the cause of the melamine contamination, however, the Australian coverage does.

3.1.3 Discourse analysis

This section details the analysis of political discourse and media discourse in Australia surrounding the ‘Melamine milk case’.

*Australian Policy-Makers’ Perceptions*

The Australian political perception of China is fundamental to improving Australian-China business relations, and plays a significant role of Australian policy making towards China. The following section explores Australian political perspectives of China, based on a discourse analysis of relevant data. The primary sources of data collected, were obtained through using the search portal on Australian government websites. Notably, in comparison to Case II and III, there was not an extensive amount of data in Case I.

Overall, the primary issues Australian political discourse emphasised were: the effect on products being sold in Australia; trade relations with China; and Australia’s food safety check system.

The case was typically mentioned during Parliamentary sittings in respect to its effect on Australian consumers and Australian products. Moreover, emphasis was typically placed on the Australian government as the active agent:
Australian food safety agencies continue to actively investigate and respond to melamine contamination of some products containing dairy ingredients made in China and elsewhere. (Food Standards Australia New Zealand, 2011)

This discursive strategy is frequently employed by politicians to place emphasise or focus on their actions (van Dijk, 1997).

**Australian Media Coverage of the ‘Melamine Milk case’**

Analysis of Australian media coverage revealed a very different image of China surrounding the ‘Melamine milk case’ in comparison to the political discourse.

‘Scandal’, ‘scare’, ‘crisis’, ‘poison milk’, ‘deadly formula’, ‘milk of human blindness’ were key words used to define the case across the media discourse. Such words demonstrate the media’s view of the case. Emphasis is placed on the amorality of the people who contaminated the milk, for instance ABC radio presenter Doogue stated the case suggests a “drop of moral tone that is of a staggering nature” (Saturdays Extra with Geraldine Doogue, 2008) and The Australian's foreign correspondent Rowan Callick (2008a) observes an “underlying indication of a broad crisis in morality”. However, the news media also drew attention to the Chinese government’s role in the case:

It is clear that local officials had little interest in enforcing the relevant food standards. It is also clear that officials initially tried to cover up the contamination of the milk powder and resisted the recall of products even though they were advised to order it. And it is also clear that these officials were reprimanded by Beijing only when the outrage became too loud to ignore. (Lee, 2008)
Thus the Chinese government is portrayed as self-interested and corrupt. Criticism in the news discourse is also based around the advocation of ‘transparency’ and ‘anti-censorship’. Moreover, numerous articles drew attention to party propaganda in China and censorship:

The first local media reports on the disaster were published and broadcast in July, but were not followed up. That was because a blackout was imposed.

The Government has also moved swiftly to contain the flow of information about the poisoned milk scandal. In Australia, the issue would be dominating newspapers and TV bulletins. In China, news is dribbling out a few measured sentences at a time from the central state agencies. The focus is on the steps taken by the Government to correct the problems. The images of stricken babies are only appearing overseas. (Callick, 2008b)

The issue here is not whether these charges are fabricated, or whether they were the actual actions of the Chinese government. Rather, the issue is that these discursive strategies were deployed to serve a particular ideological purpose. Condemnation of the Chinese government was based on the notion that the Chinese Government is inept or incompetent to face the issue of corruption in the party. Furthermore, criticism was reinforced by the principle of the ROL, and therefore the party government was perceived at the root of the problem:

It's hard to build rule of law when the party controls the courts, tribunals and law enforcement. It's hard to have transparency when the party controls the media. It's hard to make local officials accountable when Beijing relies on them to maintain the CCP's hold on power in far-flung places. (Lee, 2008)
This reflects the Western democratic ideology which upholds the ideas of freedom of speech, and the ROL. As noted in the literature review (Chapter 1) in English speaking countries the rule of law has “a longstanding association with the protection of civil liberties” (Donnelly, 2006, p. 42).

3.2 Case study II: the ‘Stern Hu case’

3.2.1 Context of Study

On July 5 2009, Stern Hu, Wang Yong, Ge Minqiang and Liu Caikui were arrested and detained by the Chinese Government.

Stern Hu, or Hu Shitai to use his Chinese name, is a Chinese born, Australian businessman. In 2001, Hu became Rio Tinto’s second most senior executive in China and head of its Shanghai office, responsible for negotiating iron ore prices and marketing iron ore in China, which was Rio’s biggest market.

Initially, the four businessmen were detained under state secrecy laws. This meant that the Chinese state was exempt to act in accord with its Criminal Law and Criminal Procedure Law, which regulates how long a suspect can be detained without charge and without access to a lawyer.

After five weeks in a Shanghai jail, the four Rio Tinto employees saw a lawyer for the first time. When Hu and his three colleagues were formally arrested on 11 August, the allegations were redefined from a state secrets category to a commercial criminal one. This meant that the responsible prosecuting organ was now China’s Supreme People’s
Procuratorate rather than the State Security Ministry. This change also meant that they no longer faced execution, the severest punishment for the crime of state secret theft.

The Rio Tinto employees were accused now of acting in breach of the provisions of Article 219 of the Chinese Criminal Law pertaining to the crime of violating commercial secrets, and acting in breach of Article 163 of the Chinese Criminal Law pertaining to receipt of bribes by non-state personnel.

The entire hearing was held behind closed doors. During the part of the trial that dealt with the bribery charges, Australia’s Consul General in Shanghai Tom Connor, was granted access, but not for the commercial secrets part of the trial.

Stern Hu was sentenced to seven years for bribery and five years for stealing business secrets, however, together he will serve a reduced sentence of ten years in jail because he expressed remorse. Hu was also fined 500,000 renminbi for each charge. Hu’s colleagues were sentenced to jail terms of between seven and fourteen years and also fined thousands of Renminbi.

3.2.2 Content analysis

RQ1 Were there any observable frames in Xinhuanet’s news coverage of the case?

The Xinhuanet articles primarily defined the problem through the reiteration of authorities’ accounts. Chinese journalists for the most part perceived the issue as a result of corrupt individuals and business practice (76.2%) and a small percentage attributed it to Chinese business culture (4.8%).
In regards to the moral evaluations of the case, nearly half of the *Xinhuanet* articles in Phase I (42.8%) made a moral judgement, however, they were primarily concerned with the defence/progress frame, for instance, arguing the case demonstrated China’s fight against corruption and the malpractice of foreign companies operating in China, or condemned the amorality of Stern Hu and his colleagues. One article commented that the arrest of the four Rio Tinto employees “exposed some multinationals lack of legal responsibility” (Huizi & Qingxin, 2009). Similarly, in Phase II the moral evaluations of the Chinese articles were predominantly concerned with the progress frame.

In Phase I, a small percentage of the articles (14.3%) speculate on the outcome of the trial, in the light that it will be a positive outcome and contribute towards China’s fight against corruption. More than half of the articles in Phase I expressed a positive view of the trial, and in Phase II, 57.1%, perceived the trial as a means of progress in combating corruption in China. The predominant finding in the treatment recommendation was the view that foreign corporations and business people should respect Chinese law. Article focus in both phases was predominantly the ‘treatment’ frame.

**RQ2 Were there any observable frames in *The Australian*’s news coverage of the case?**

The *Australian* articles typically defined the case with the use of “behind-the-scenes” stories, this was a pattern detected across both phases. In regards to causal interpretations, in Phase I Australian journalists interpreted the issue as not only evidence of the lack of ROL (22.5%) but the Chinese government defending its state interests against Stern Hu and his three colleagues from Rio Tinto (25%), alongside
perceived government incompetence (5%), corrupt individuals (10%) and Chinese business culture (2.5%).

Moral evaluations in Phase I (47.5%) made by *The Australian* journalists were primarily concerned with the violation of Stern Hu’s human rights (25%), the effect on the international community (10%), and also presented the case from a human interest perspective (7.5%), for example, emphasising the emotional and physical hardship Mrs Hu is experiencing due to the detainment of her husband, Stern Hu. *The Australian* did not speculate on the outcome of the trial in Phase 1. In Phase II, *The Australian* articles predominantly judged the case from a negative perspective, arguing it to be a violation of human rights (5.7%), to have a damaging effect on the international community (11.4%), progress (2.9%), human interest perspective (14.3%) and government propaganda (11.4%). These were the same moral judgements detected concerning the outcome of the trial.

Article focus in both phases was predominantly coded under the ‘treatment’ frame.

**RQ3 Did the news frames vary across the two online news coverages? Were there some frames that featured more prominently in one press than in the other?**

*The Australian* and *Xinhuanet* news coverage differed in the problem definition frame, with *The Australian* articles primarily approaching the case through “behind-the-scenes” stories, whereas, Chinese coverage using authorities’ accounts as the primary source of reference. The main difference in regards to journalists’ interpretation of the cause of issue, was that *The Australian* journalists attributed it to ‘government interest’ and ‘legal system’ frames besides the ‘individual corruption’ frame, whereas *Xinhuanet* articles were only concerned with the latter. Moral
evaluations of Xinhuanet articles approached the case from a positive perspective, perceiving the arrest and trial of Stern Hu and his colleagues as part of the fight to combat corruption. This contrasts starkly with the Australian media perspective. The Australian and Xinhuanet had similar results in remedy suggestions, however, the Xinhuanet journalists placed more emphasis on the need for foreign businessmen to respect Chinese law whereas, The Australian focus was on a call for increased transparency of government, the judicial system and the need for the Australian Government to take more part in defending Australians. In respect to the primary focus of the articles, both the Australian and Chinese news coverages were predominantly concerned with treatment. See the Table in Appendix II for a summary of the research findings.

3.2.3 Discourse analysis

The overall information that Australian politicians receive about China provides input in forming their perception of China, which then leads to their decision-making and political stance on the issue. Since the news media is a main source of information, what they perceive from the media reporting will greatly influence their image of China, even though they interpret the media through their own expertise and the attitudes and opinions of the people around them (Zhang, 2011). This section explores firstly Australian political perceptions of China in the context of the Stern Hu case’, and secondly, conducts a critical discourse analysis of Australian media in the same case context.
Australian Policy-Makers’ Perceptions

The Australian political perception of China is fundamental to improving Australian-China business relations, and has a significant role in the making of Australian policy towards China. The following section explores in detail Australian political perspectives of China, based on a discourse analysis of interview transcripts, press conference transcripts and Parliamentary papers such as Senate Committee Hansards.

Australia-China Bilateral Relationship

It is not surprising that, considering China’s importance as an export market for Australia, politicians separate the Stern Hu case from Australia’s economic and trade relationship:

“This is separate from the very productive and strong economic and trading relationship we have with China”. Simon Cream MP, Former Minister for Trade (Joint Doorstop Interview with Senator Carr)

“…but it’s completely separate from the development, the ongoing development, the deepening of our economic relationship with China”. Simon Cream MP, Former Minister for Trade (Joint Doorstop Interview with Senator Carr)

Moreover, not only does the political discourse emphasis the separate nature of the ‘Stern Hu case’ from the Chinese-Australian business and trade relationship, politicians employ a discursive strategy which, accentuates the positive nature of the relationship. For example, the relationship is described as ‘very productive and strong’, and mentions the ‘the deepening’ and ‘development’ of the relationship, going from ‘strength to strength’. Moreover, politicians take every opportunity to
emphasise a positive outlook of the Australian-China relationship. In fact, an MP uses the ‘Stern Hu case’ as an example of the strong relationship:

The relationship we have with China is one, which does not prevent our government from raising human rights issues when those issues need to be raised. We as a delegation were able to raise with the Chinese leadership our concerns about the human rights situation in Tibet and about the need for a speedy resolution of the situation of Rio Tinto executive Stern Hu. The strength of the relationship is demonstrated by the fact that we are able to raise these matters. (*Foreign Affairs, Defence and Trade Legislation Committee, 2010*)

Furthermore, it is significant that this rhetoric is not consistent. For instance, Former Prime Minister Rudd criticised the Chinese government’s handling of the case, stating, “a range of foreign governments and corporations will be watching this case with interest and will be watching it very closely. And they will be drawing their own conclusions as to how it is conducted. It’s in all of our interest to have this matter resolved” (Rudd, 2009). This sharply contrasts the earlier, appeasing approach by the government.

Moreover, it is interesting to note the recurrence of directives in Australian political discourse surrounding the ‘Stern Hu case’, suggesting that the Australian government is in control. The ‘positioning’ of the speaker in political discourse is crucial to establishing him/her as authoritative and decisive (*Chilton & Schaffner, 1997*) and directives are considered a type of speech act with this purpose. For example, Stephen Smith MP said in an interview (*Mornings with John Faine, 2009*), “We have again pressed Chinese officials...” and continually uses the word ‘urge’ to describe his
requests of Chinese officials. Simon Crean MP stated, “The only time the Stern Hu issue has come up with officials on this visit with me is when I raised it. And I raised it because I’m not going to shirk from the issue” (Joint Doorstop Interview with Senator Carr, 2009). This statement of Crean’s is exemplary of this discursive strategy, whereby the speaker places himself in a position of authority, Crean is the person who established dialogue with China, and the phrase of words “because I’m not going to shirk from the issue”, suggests that Crean has acted responsibly whereas the Chinese have neglected the issue. These political figures portray themselves as active agents in the Australian-Chinese bilateral relationship.

Law

Initially, the Australian political discourse frequently acknowledges the authority of Chinese law in the ‘Stern Hu case’ and only criticises the slow processes.

“…when you go to another country you are subject to their laws and their practices and their procedures. ” Stephen Smith MP (Mornings with John Faine, 2009)

“We recognise the Chinese legal system has to run its course…We’ve treated it as a consular case, not seeking to interfere with the course of justice, only to bring it to a conclusion expeditiously and transparently”. Simon Crean MP (Doorstop Interview after launch of Islamic Finance publication, 2010)

Corruption

The concept of corruption was noticeably absent in the discourse. Generally, the emphasis is placed on the action the Australian government is taking for Stern Hu, rather than the cause of the issue. This is a typical technique in political discourse,
where action is emphasised (van Dijk, 1997). Australian policy makers do not speculate on whether Stern Hu was guilty or innocent, the emphasis is placed on responsibility to aid Hu. For example, Senator Carr stated in a *Joint Doorstop Interview* (2009), “Our job as politicians on behalf of citizens right around the world is to do our best to provide assistance when they get into trouble”.

However, a frequently voiced concern of Australian policy makers in the ‘Stern Hu case’ was the lack of transparency of the Chinese government in the handling of the case.

“We continue to indicate to the Chinese authorities that we believe it is appropriate for this matter to be dealt with transparently.” Stephen Smith, MP *(Press Conference, Perth, 2010)*

“We certainly continue to emphasise to the Chinese authorities the need for the case to be handled transparently and expeditiously.” Mr Moriarty *(Foreign Affairs, Defence and Trade Legislation Committee, 2010)*

“Well I’m not going to deal with speculation. I am prepared to deal with facts.” Simon Crean *(Joint Doorstop Interview with Senator Carr, 2009)*

**Australian Media Coverage of the “Stern Hu case”**

To examine Australian media coverage of the Stern Hu case, samples of news stories were drawn from *The Australian, The Sydney Morning Herald, the Daily Telegraph* and *the Age*. These are the major daily newspapers in Australia. Moreover, news transcripts of the ABC were analysed. The Australian news discourse on the ‘Stern Hu case’ centred on two themes: China’s ROL, and criticism of China’s government.
China’s weak ROL

The Australian media repeatedly drew a link between the ‘Stern Hu case’ and China’s ROL. News discourse frequently claimed that there was no ROL in China and that this is the core problem underlying the case. The news discourse repeatedly condemned and criticise the Chinese judicial system:

It is important, analytically, not to get caught up in the proceduralism of the Chinese legal system. There is no rule of law in China. The Chinese have made it clear they can regard any commercial matter as a matter of their national interest, and any negotiation involving it therefore as involving Chinese state secrets. Under this system, they can intervene legally in any business deal they do not like and imprison anyone they choose. (Sheridon, 2009)

True guilt in this case lies with China’s farcical legal system secret hearings, prejudged allegations, suspicious confessions and a muddled verdict that leaves the world still wondering exactly what crime Stern Hu and his associates actually committed. (Flitton, 2010)

Within this discourse, there is an inherent assumption that the ROL is important.

Anti-Government attitude

Australian media discourse frequently portrays China in a negative light. Stern Hu’s arrest is coined by phrases such as ‘crude tactics of intimidation’, ‘arbitrary’, a matter of ‘political calculation’. Such words underline the Australian media perspective of the PRC. Moreover, because China does not have an independent judiciary from the government party, as is the case in Australia and other democracies, Chinese laws are
considered “frequently obscure, contradictory and even secret” (Danby, 2009). Australian news discourse claimed that the ‘Stern Hu case’ was a deliberate political act by the Chinese government to protect its national security, and was also linked to the failed bid by the Chinese state-owned company Chinalco to increase its stake in Rio Tinto (Lee, 2009).

The issue here is, not whether this was in fact the real intention or actual actions of the Chinese Government. Rather, the issue is that these discursive strategies were deployed to serve a particular ideological purpose.

The media discourse emphasises the negative impact of the ‘Stern Hu case’ on Australia. This is very different from the initial stance of the Australian government that stressed that the case would not effect bilateral relations.

3.3 Case study 1: the ‘Matthew Ng case’

3.3.1 Context of Study
On 21 November 2010, Matthew Ng, a Chinese born Australian businessman, was detained by the Chinese state on charges of ‘misappropriation of assets’. Ng is an entrepreneur who established the successful Et-china, a travel company valued by Kuoni, a Swiss travel group, in 2010 at around $100 million.

In 2000, Ng and Michael Tang set up Et-china.com as an online travel site. In 2003 Et-china became a joint venture with China’s largest airline China Southern Airlines to create its e-ticketing service. In 2006 Et-China bought 28.57% of Guangzhou Travel Company (GZL) from state-owned conglomerate Guangzhou Lingnan.
International Enterprise Group (Lingnan). Zheng Hong was appointed as director. By 2008 Et-china had acquired a total of 53.96% of GZL, owning the controlling stake.

In 2010, the Swiss travel group Kuoni Travel Holding made a cash bid to buy the whole of Et-china, which was passed. However, three days later Lignan sent a letter to Kuoni, claiming that control of GZL’ assets by Et-china had been illegal, despite not challenging the original deal. Consequently, the sale was suspended.

Zheng Hong, a long-serving Communist Part official and company party secretary, and Kitty Yang Xaioping, Et-china financial controller were both detained in August and September 2010 respectively.

After a nine month detention, Ng’s trial was finally held in August 2011. Ng faced four charges including two of embezzlement, one of bribery and one of falsifying documents. Zheng was charged with embezzlement and bribery and Yang with embezzlement and falsifying documents.

The verdict was to be decided by the Guangzhou judiciary, therefore the prosecutors, Et-china and the judges are held accountable to the Guangzhou Communist Party. No Australian or Chinese media were admitted to Ng’s trial. However, after the trial proceedings, Guangzhou judges sent the case back to prosecutors to provide more evidence of the alleged charges.
3.3.2 Content analysis

A content analysis was conducted from The Australian articles only. This is a major lacuna within the dissertation, which the author acknowledges. However, at the time research was conducted there was no data available from Xinhuanet concerning the ‘Matthew Ng case’. Therefore, a cross-country comparison cannot be conducted for this third case. However, the analysis is still valuable, as it provides data on frames in Australian newspaper coverage which can be compared with other Australian newspaper coverage on Case I and II in this study.

RQ2 Were there any observable frames in The Australian’s news coverage of the case?

The Australian articles typically defined the case from perspective of “behind-the-scenes” stories. For instance, sources were frequently quoted from Ng’s lawyers or Australian academics rather than more ‘official’ sources.

The causal interpretation of The Australian journalists of the Ng case was spread across four different frames. In Phase I, the primary interpretation was split between government corruption (37.5%) and corrupt individuals (37.5%). However, articles lay blame on the Chinese legal system (12.5%) and government incompetence (12.5%). In Phase II, the issue is interpreted as rooted in the government’s interest. For instance, one article stated “what emerged during the court hearing was a picture of a party apparatus that realised it had sold its assets too cheaply and was determined to get them back” (Sainsbury, 2011a). One fifth of the articles attribute the cause to the corrupt act of an individual or Et-China more broadly, however, the blame on the legal system increased.
In both Phase I and II, journalists commonly made moral evaluations of the case, concerned with human rights violations and human interest perspective. In Phase I, more than half of the articles made a moral evaluation (62.5%), which primarily focussed on the violation of Matthew Ng’s human rights and dignity. For instance, one article stated that to understand why Ng was locked up, it is important to understand China’s legal system that is “debilitating in slowness and capricious in its punishment, a black hole into which people can disappear for years. Its practice seems that detainees are guilty until proven either innocent or able to stitch up a deal” (Sainsbury, 2010b). In Phase II, 80% of the articles which made moral evaluation were equally focussed on the violation of Matthew Ng’s human rights, and discussion of the case from a human interest perspective. For instance, one article stated, “Mr Ng’s sister, Wu Lizhen, told the Australian that the police and Lignan employees had attempted to coerce his wife, Niki Chow, to convince him to give up his assets” (Sainsbury, 2011b).

The 37.5% of articles, which suggest remedies in Phase I, called for increased transparency in the Chinese government and recommended that the Australian government take more action in the case. One comment declared: “The bottom line for Australia is that we need to be firm in representing our citizens’ wellbeing in China” (Callick, 2010). Noticeably, there were no treatment recommendations in Phase II. Article focus in both phases were primarily concerned with the cause and treatment of the case (See Appendix III for the Table of findings).
3.3.3 Discourse analysis

*Australian Policy-Makers’ Perceptions*

There were a number of themes that emerged through analysis of Australian political discourse on the Matthew Ng case.

Firstly, the Chinese judicial system is not criticised but instead, Australian politicians call for its ‘respect’. For instance, Craig Emerson MP stated on *Ten Network Political Panel with Ron Wilson* (2010), when an Australian is charged overseas it is important to respect the legal systems in other countries. There is not an emphasis on the concept of the ROL in China, nor claims of government corruption.

Criticism of the Chinese government is based on the notion of human rights. Even then, it seems the political discourse is not condemning the Chinese government, but simple raising voice on the issue. For instance, in an interview Prime Minister Julia Gillard stated:

> In my discussions, I did raise Australia’s concerns about human rights, about the detention of human rights activists, about the treatment of ethnic minorities, and religious freedom. I believe it is important that we do raise our voice. We, of course, are supporters of human rights. It’s in us. It’s an Australian value, and so we advocate for it on the world stage, and I raised human rights during my discussions here in China.

> We’re one voice. Many international voices are raised on this question, and I think ultimately the weight of international opinion does make a difference to China. (*Newsline with Jim Middleton*, 2011)
Gillard makes an assumption that supporting human rights is an Australian value, and that Australian society is ‘one voice’ on the issue. This discursive strategy is employed to include Australians in the Government’s perception of the issue.

**Australian Media Coverage of the ‘Matthew Ng case’**

The Australian media coverage of the ‘Matthew Ng case’ centred on three themes: criticism of the Chinese government based on the notion of human rights, corruption within the government and criticism of China’s ROL.

Media discourse frequently depicted the Chinese government as a ‘human rights abuser’. Words such as ‘arrest’, ‘detain’, and the description of Ng in the courtroom with his ‘legs shackled together’ and his ‘defiant wave’ (Garnaut, et al., 2011) emphasised the violation of Ng’s rights and the perspective that he was innocent.

It took more than eight months for Matthew Ng to be formally indicted as Guangzhou police, the procurator and officials at the local government-owned enterprise Guangzhou Lingnan negotiated his charges. Further in the background, at an even murkier level, the Communist Party's ultra-secretive internal discipline commission has played a central role. (Garnaut, 2011)

The government is repeatedly portrayed as corrupt, and its central role in the Ng case emphasised.

Whether these are the ingredients of evidence-based justice, where a judgment will be based on careful legal argument, is anybody's guess. The court, after all, is controlled by the same Guangzhou Communist Party as the anti-corruption body that prompted the investigation, the police who made the
arrests, the procurator who laid the four charges and the company Guangzhou Lingnan that wants to reclaim Mr Ng's assets. (Garnaut, et al., 2011, p. 1.)

The phrase in the paragraph above, ‘is anybody’s guess’ (referring to whether the judgment will be based on evidence or not) suggests contempt for the Chinese judicial system.

Moreover. the Australian media frequently discuss and criticise China’s ROL in the ‘Matthew Ng case’, The headlines surrounding the case, for instance, ‘Despite the odds, justice may win’, ‘Making a public spectacle of proceedings could ensure justice in China’ and ‘Black hole of Chinese law’, suggests contempt for the Chinese judicial system, and scepticism of its ‘justice’. Additionally, these phrases emphasise the unpredictable nature of the Chinese judicial system.
CHAPTER IV – Discussion and Analysis

4.1 Overview

The current study set out to examine the news framing of Australian and Chinese online news coverage regarding three cases involving commercial corruption and China’s ROL. Moreover, this study undertook an analysis of news and political discourse in Australia in the context of the three separate cases in order to ascertain Australian perspectives on China in this context. This chapter will discuss and analyse the findings presented in Chapter III.

4.2 Within-case analysis

4.2.1 Case I ‘Melamine milk’

Table 3 compares the major frames that emerged from the content analysis of both Xinhuanet and The Australian articles.

Table 3 Frame Comparison in ‘Melamine milk’ case

<table>
<thead>
<tr>
<th>Frame</th>
<th>Xinhuanet articles</th>
<th>The Australian articles</th>
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<tbody>
<tr>
<td>Problem definition</td>
<td>Authorities’ account</td>
<td>“Behind-the-scenes” stories</td>
</tr>
<tr>
<td>Causal interpretation</td>
<td>Business/individual corruption</td>
<td>Chinese business culture</td>
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<td></td>
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<td>Government incompetence</td>
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<tr>
<td>Moral evaluation</td>
<td>Defence/Human interest</td>
<td>Human rights/dignity</td>
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<tr>
<td>Remedy recommendation</td>
<td>Chinese government fix</td>
<td>Transparent government</td>
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<td></td>
<td>Stronger moral ethics of individuals</td>
<td>Transparent government</td>
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<td></td>
<td>Transparent government</td>
<td>Reinvestigation</td>
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<td>Article focus</td>
<td>Treatment</td>
<td>Treatment</td>
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<td>Effect</td>
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</table>
4.2.3 Case II ‘Stern Hu’

Table 4 compares the major frames which emerged from the content analysis of both *Xinhuanet* and *The Australian* articles.

Table 4 Frame comparison in ‘Stern Hu’ case

<table>
<thead>
<tr>
<th>Frame</th>
<th><em>Xinhuanet</em> articles</th>
<th><em>The Australian</em> articles</th>
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<tbody>
<tr>
<td>Problem definition</td>
<td>Authorities’ account</td>
<td>“Behind-the-scenes” stories</td>
</tr>
</tbody>
</table>
| Causal interpretation  | Business/individual corruption | Business/individual corruption  
Government interest  
Legal system           |
| Moral evaluation       | Progress/defence              | Human rights/dignity  
Human interest  
International community  
Government propaganda |
| Remedy recommendation  | Respect Chinese law  
Increased control of foreign companies | Transparent government  
Rule of law  
Australian defence/action  
Wary of undertaking business in China |
| Article focus          | Treatment                      | Treatment                                                       |
4.2.3 Case III ‘Matthew Ng’

Table 5 shows the major frames which emerged from an analysis of *The Australian* articles in the ‘Matthew Ng’ case.

**Table 5 The Australian frames in ‘Matthew Ng’ case**

<table>
<thead>
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<th>Frame</th>
<th>The Australian</th>
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<tbody>
<tr>
<td>Problem definition</td>
<td>“Behind-the-scenes” stories</td>
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<tr>
<td>Causal interpretation</td>
<td>Business/individual corruption</td>
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<tr>
<td></td>
<td>Government interest/corruption/incompetence</td>
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<td></td>
<td>Legal system</td>
</tr>
<tr>
<td>Moral evaluation</td>
<td>Human rights/dignity</td>
</tr>
<tr>
<td></td>
<td>Human interest perspective</td>
</tr>
<tr>
<td>Remedy recommendation</td>
<td>Australian defence/action</td>
</tr>
<tr>
<td></td>
<td>Transparent government</td>
</tr>
<tr>
<td>Article focus</td>
<td>Treatment</td>
</tr>
<tr>
<td></td>
<td>Cause</td>
</tr>
</tbody>
</table>

4.3 Across-case analysis

*Content Analyses of media frames*

*Problem Definition*

The “behind-the-scenes” stories frame was predominantly used by *The Australian* all three cases. This reflects the tendency for Western journalists to subscribe to the watchdog role in their reporting (Luther & Zhou, 2005). On the other hand, Chinese coverage was primarily concerned with defining the nature of the case in line with authorities’ accounts. This supports Luther and Zhou’s (2005) comparative study of the news framing of SARS in China and the United States. They noted that all coverage in China needed government confirmation, and as a result news organisations stressed the government’s SARS control and prevention method.
Causal Interpretations

In regards to causal interpretations of Australian journalists, ‘government interest’ and ‘legal system’ were the principal frames in the ‘Stern Hu’ and ‘Matthew Ng case’.

However, in the ‘Melamine milk case’, the problem was primarily interpreted as rooted in corrupt individuals. This demonstrates the Western liberal perspective of The Australian coverage – it is preoccupied with the notion that the Chinese law should not be a tool of state apparatus but rather stresses the human rights principles encompassed in the liberal democratic version of ROL (Kent, 2009). Notably, the predominant causal interpretation detected in the Xinhuanet articles, was to consider the amorality of individuals as the core problem.

Remedy Recommendations

Treatment suggestions across the Xinhuanet articles in the ‘Stern Hu’ and ‘Melamine milk case’ were similar in their recommendation that Chinese law and the Chinese government could mend the problem. Differences in the Chinese coverage included the suggestion individuals should have stronger moral ethics in the ‘Melamine milk case’, whereas in the ‘Stern Hu case’ articles promoted the increased control of foreign corporations operating in China. This conception of individual moral ethics reflects Chinese political discourse. The current leader of the PRC, Hu Jintao, for example, prescribed a list of do’s and don’ts according to ‘advanced socialist culture’ at the Tenth National Peoples Congress in 2006, for example, “be honest and trustworthy, not profit-mongering at the expense of your values”. The China Daily perceived that Hu’s list of virtues “add to efforts by communist leaders to assure the public they are fighting corruption” (‘President Hu’, 2006).
Remedy suggestions in *The Australian* articles across all three cases, included the call for increased transparency of the Chinese government. Furthermore, *The Australian* articles concerning the ‘Matthew Ng’ and ‘Stern Hu’ cases were similar in that they also suggested the need for the Australian government to take action and defend Australian values and interests. Whereas articles in the ‘Stern Hu’ and ‘Melamine milk’ cases were similar in that they suggested a strengthened ROL in China.

*Article focus*

The main focus of *Xinhuanet* articles in the ‘Melamine milk’ and ‘Stern Hu case’, was ‘treatment’, notably in the ‘Melamine milk case’ and Phase II of the ‘Stern Hu case’, no attention was given to the ‘cause’ of the cases. This is similar to the findings of a content analysis of news reports regarding a specific socio-political incident in China (Zhou & Moy, 2007). This study notably observed that frames which implied moral evaluations were uncommon in both phases, and that the media shifted the focus to treatment suggestions rather than underlying causes of the case. The authors concluded:

> The Case study in China illustrates that external pressure form the Party-government outweighs internal values of media professionalism in shaping news frames. Unlike Western journalists who subscribe to the watchdog role, the Party-assigned mouthpiece role makes it impossible for Chinese journalists to fully respond to public opinion. (Zhou & Moy, 2007, p. 93).

A similar conclusion can be drawn from the findings in this papers content analysis, as the focus of Australian articles across all three cases were both on treatment and cause of the problem.
On the other hand the Xinhuanet article focus was predominantly the treatment frame, where either journalists emphasised the action the Government had taken in the case or discussed other remedy solutions. Similarities emerge within the study, *White Collar Crime and Corruption in China* (Cheng & Ma, 2009) which discusses the party’s “hard strikes” when crimes are perceived as threats to the nation’s economic stability. Moreover, the authors note that the communist party’s periodic superimposition on the routine criminal process worsens the uncertainty of law enforcement (Cheng & Ma, 2009, p. 176).

**Analyses of Political Discourse**

A number of similarities and differences emerge through a cross-case comparison of Australian political discourse. Firstly, in both the ‘Stern Hu’ and ‘Matthew Ng’ cases, politicians stressed their respect for the Chinese judicial system yet simultaneously called for increased transparency. Moreover, the analysis of political discourse over the course of the ‘Stern Hu case’, from when Hu was first detained (5 July 2009) until his sentencing in court (30 March 2010), reveals a glaring contradiction where the Government emphasised its respect of the Chinese judicial system, but also criticises the transparency of the trial procedure. Professor Malcolm Cook’s observation is particularly relevant here: “China’s unique position also creates tensions and uncertainty for other states when it comes to determining what expectations should be placed on the PRC given its unique position” (Cook, 2011, p. 5). These tensions and uncertainty are evident in the analyses of political discourse and reflected an underlying ambivalence about political thinking and perspectives on China.

Political discourse on the ‘Stern Hu case’ typically centred on Australia’s strong bilateral relationship with China, and politicians’ efforts to distinguish between the
business relationship and the ‘Stern Hu case’. Whereas, the predominant theme that emerged in the discourse concerning the ‘Matthew Ng case’ was the principle of human rights. This contrast between these two cases is interesting, considering their similarities and close time frame. One explanation could be that the Government was changing its China approach in response to ‘Stern Hu’ media coverage and subsequent public views.

The ‘Melamine milk case’ discourse was notably different from Case II and III. The discourse was not concerned with moral ethics, such as, human rights, a cornerstone of the ‘Stern Hu’ and ‘Matthew Ng’ discourses. Moreover, despite the PRC’s implications in the milk contamination, Australian discourse did not politicise this case and neither drew particular attention to it. The discourse framed the issue as strictly a food, safety and trade issue.

This paper considers two possible explanations for the different nature of the discourse compared to Case II and III. Firstly, the law in the case did not directly involve Australian citizens, therefore the Australian Government felt less obliged and received less pressure to take action on human rights principles. Secondly, Australian public attitudes towards China have changed, with an increase in sentiment that Australia is not doing enough to pressure China to improve human rights. However, considering results from the Lowy Institute 2011 Poll, the former explanation is more likely as there has been no increase in Australian public attitudes from 2008 to 2011, that Australia is not doing enough to pressure China to improve human rights.
**Analyses of Media Discourse**

Media discourse across the three select cases frequently drew a link between the problematic nature of each case and the lack of ROL, violation of human rights, and demonised the Chinese government. Moreover, the media typically drew parallels between the ‘Stern Hu case’ and the ‘Matthew Ng case’. The ‘Melamine milk case’ discourse differentiated in its focus on media censorship in China. The predominant pattern that emerged from the cross-case comparison was the media’s perception of China, a state that places its sovereign interests above the human rights of its people, and an overall lack of morality.

**The effects of framing and discourse on the bilateral relationship**

The media frequently presents information about events that occur outside of the direct experience of the majority of society. The media is the primary, and often the only, source of information (Hall, et. al. 1978; Zhang, 2011). Thus the way the news constructs the reality of an event or issue is significant in two ways: “The media define for the majority of the population what significant events are taking place, but, also, they offer powerful interpretations of how to understand these events” (Hall, et. al. 1978, p. 239). This is significant for the Australia-China business relationship.

Through an analysis of media and political discourse this paper aims to enhance understanding of Australian perceptions of China and its ROL. Additionally, the author acknowledges the underlying significance of media ‘frames’ as a reflection of “society’s fundamental worldview” (Chang, T., Wang, J. & Chen, C., 1994, p. 55). Therefore, media and political discourse analysis is important in understanding the broader Australian conception of the ROL particularly in the context of China, as China’s ROL has profound effects on Australia.
Conclusion

This paper, in a nutshell, has investigated how China’s ROL in high-profile cases of commercial corruption impacts on Australia in various ways. Case studies were conducted to investigate Australian perspectives on China in this context, and allowed for a comparison of cases which directly involved Australian nationals (‘Stern Hu’ and ‘Matthew Ng case’) and a case that did not (‘Melamine Milk case’).

First, this paper analysed the framing of news stories concerning the three selected high-profile cases of commercial corruption in China, in the two news organisations: Xinhua News Agency and The Australian. It investigated the presence of prominent frames in each case and examined whether there were any similarities or differences across the two news organisations in their online news coverage of each case. Second, the paper further investigated Australian perspectives on China in the context of the three cases, through an analysis of Australian news media and political discourse. The significance of this research lies in the indirect impact brought about by the media’s positioning of these cases, on political and public perspectives of China in Australia.

This present chapter discusses and concludes the entire paper from the following aspect: the consequences of China’s ROL for the Australia-China business relationship.

Australia and China have strikingly different views of the ROL and its role in commercial business. Thus, it is important to remain cognizant of how cultural differences between China and Australia, affect views, practices and approaches to the ROL and business. The literature review (Chapter I) and the content analysis of media frames conducted in this paper highlighted these cultural differences between Australia and China. Consequently, the ROL is a concept loaded with assumptions,
culturally specific interpretations and values. The ROL concept endorsed by Chinese officials is considered integral to China’s transition to a socialist market economy and sustaining its rapid economic growth. For instance, former Chinese President Jiang Zemin stated that, “ruling the country according to law is an important mark of social progress and the civilisation of a society; it is a necessary requirement of our construction of a modern socialist state” (Chen, 2000, p. 127). However, Australian perspectives of ROL are radically different (Sheehy, 2006). Differences emerged between the Chinese and Australian coverage of the three cases, ‘Melamine Milk’, ‘Stern Hu’ and ‘Matthew Ng’. The Australian articles typically drew a casual link between China’s ROL and the cases, John Lee’s article (‘Deadly hand of officials in China, 25 September, 2008) is exemplary of this perspective: “The tainted milk scandal in China…exposes are glaring contradiction about Chinese civil society: despite having more public officials per capita than any other country in Asia, enforcement of its rules and regulations has been getting worse”. The Xinhuanet articles, on the other hand, emphasised the amorality of individuals who undertake corrupt practices, and rather than laying blame on China’s ROL, frequently suggested that foreign business people should respect Chinese laws when conducting business in China.

No one party has a correct version of the ROL. Understanding China’s version and perspectives on the ROL is a worthwhile endeavour. Perhaps it would be instrumental if Australian journalists adopted new perspectives “to defuse the complex dilemma of representing others [in this instance, China] instead of taking the mainstream critical assumptions of the concept at face value” (Huang & Leung, 2005, pp. 303-304). China was typically portrayed in media coverage in a negative light, which ultimately does not contribute towards developing a strong relationship between the two states.
but is a source of tension. Overall, the maintenance and expansion of the business relationship is dependent on, legal developments, and the ROL, but the influence of non-legal, cultural elements, such as the media, should also be considered.

The contradictory views of the role of law in business is likely to cause substantial difficulty and pose challenges to the Australia-China business relationship. As Sheehy (2006, p. 261) notes, bilateral relationships “put states in the peculiar position of having to answer to private citizens of foreign nations for their policies and decisions.” Thus, if business in China, according to Australian perspectives, is characterised by the absence of the ROL, or rather a different ROL, then what should Australia do? This paper suggests there are three key principles that should guide the Australian business approach to China:

1. In doing business in China, Australian firms should, so far as possible, orient their strategies so that they may bee seen as contributing to China’s nation-building and not as a threat. The three cases investigated in this paper support the notion that China’s strategies and actions to combat commercial corruption and strengthening their ROL, are essentially founded on ‘national interest’. Therefore, if Australian business strategies are perceived as a threat, this will only enhance the uncertainty of China’s law enforcement, as the party will react with harsh crackdowns on those who potentially threaten the PRC’s economic stability (Cheng & Ma, 2009).

2. It is important that Australian business people make efforts to respect Chinese law when conducting business in China. Moreover, there needs to be mutual respect of the different codes of law, between China and Australia, coupled with the acknowledgement that concessions must be made regarding these
differences, in order to maintain and further develop business relations
between the two nations. While also recognising, this does not necessarily
mean that Australia forgo the principles of human rights but instead hold
China accountable to its international legal obligations including transparent
legal proceedings, if China’s ROL meant otherwise in any specific case.

3. The Australian Government should not continue to separate the issue of
Australian business peoples detained under Chinese law in China and the
Australian-China business relationship. Analysis of media discourse highlights
a prevalent concern that the Australian Government should take more action in
the instance where commercial corruption in China, and China’s ROL in this
context, impacts on Australia. These sentiments are similarly reflected in
opinions of academics, for example Kent² (2009, p. 277) who argues that the
Stern Hu case “must be moved to the forefront of the Australian government’s
attention, because it is not the first example, of the deleterious impact of
China’s legal system on Australia, and it will not be the last”. Similarly,
Professor Rothwell³ (2010) commented, Australia needs to be vigilant when
its citizens are obtained in China and must seek to hold China accountable to
its international legal obligations. Therefore, Australian politicians need to
have a clear strategy and stronger position on China.

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² Visiting Fellow at the Australian National University’s College of Law
³ Professor of International Law at the Australian National University’s College of Law
Appendix I

Table 1 Content Analysis Findings in ‘Melamine milk case’

<table>
<thead>
<tr>
<th>Frames</th>
<th>Phase I Xinhuanet</th>
<th>Phase I Australian</th>
<th>Phase II Xinhuanet</th>
<th>Phase II Australian</th>
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<td><strong>Problem Definition (%)</strong></td>
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<td></td>
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<td></td>
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<tr>
<td>Authorities’ account</td>
<td>44.5</td>
<td>29.2</td>
<td>52.9</td>
<td>20</td>
</tr>
<tr>
<td>“Behind-the-scenes” stories</td>
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<td>58.3</td>
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<td>4.2</td>
<td>29.5</td>
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</tr>
<tr>
<td><strong>Causal Interpretation (%)</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government incompetence</td>
<td>-</td>
<td>8.3</td>
<td>5.9</td>
<td>20</td>
</tr>
<tr>
<td>Business/individual corruption</td>
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<td>94.1</td>
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<td>Chinese business culture</td>
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<td>-</td>
<td>-</td>
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<td>-</td>
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<tr>
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<td>55.6</td>
<td>29.2</td>
<td>64.7</td>
<td>80</td>
</tr>
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<td>44.4</td>
<td>70.8</td>
<td>35.3</td>
<td>20</td>
</tr>
<tr>
<td>Negative</td>
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<td>25</td>
<td>-</td>
<td>20</td>
</tr>
<tr>
<td>Human rights/dignity</td>
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<td>25</td>
<td>-</td>
<td>20</td>
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<td><strong>Moral Evaluation (Trial) (%)</strong></td>
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<td></td>
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<tr>
<td>Yes</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>29.4</td>
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<tr>
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<td>Progress</td>
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<td>-</td>
<td>23.5</td>
<td>-</td>
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<tr>
<td><strong>Treatment recommendation (%)</strong></td>
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<td>No</td>
<td>44.4</td>
<td>54.2</td>
<td>76.5</td>
<td>80</td>
</tr>
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<td>Reinvestigation/retrial</td>
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<td>Article Focus (%)</td>
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<td>Treatment</td>
</tr>
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<td>-------</td>
<td>-------</td>
<td>--------</td>
<td>-----------</td>
</tr>
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<td></td>
<td>33.3**</td>
<td>29.2</td>
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</table>

* moral ethics of individuals
** includes both stronger moral ethics of individuals (11.1%) and recommendation to let the Chinese government handle the case (22.2%)

### Appendix II

**Table 6 Content Analysis Findings in ‘Stern Hu case’**

<table>
<thead>
<tr>
<th>Frame</th>
<th>Phase I Xinhuane</th>
<th>Phase I Australian</th>
<th>Phase II Xinhuane</th>
<th>Phase II Australian</th>
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<td>Authorities’ account</td>
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<td>85.7</td>
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<td>“Behind-the-scenes” stories</td>
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<td>80</td>
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<td><strong>Causal Interpretation (%)</strong></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Government interest</td>
<td>-</td>
<td>25</td>
<td>-</td>
<td>14.3</td>
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<td>Government corruption</td>
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*Unfair ruling and result of government propaganda

** These responses included a call for more transparency, review of business operations and recommendation that foreign companies be careful in China

*** These responses included the recommendation to control foreign companies and to let Chinese law run its course
### Appendix III

**Table 7 Content Analysis Findings in ‘Matthew Ng case’**

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* Chinese police
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