

**Regulation for the news: An in-depth Analysis of the
role of the Ecuadorian Communication Law in the
reporting of the 2017 Odebrecht scandal and Vice
President Jorge Glas**

A thesis submitted in partial fulfilment of the requirements
for the Degree
of Doctor of Philosophy in Media and Communication
in the University of Canterbury
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University of Canterbury

2022

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Dedication

I dedicate this thesis to my mum, whose support has been key in the achievement of my goals. *Mami, no tengo palabras para decirte cuánto te extraño y lo agradecido que estoy por tu apoyo y ayuda en todo lo que me he propuesto.*

And to my dad, partner, brother and sister in law.

Dad – for your unconditional effort to provide me with everything I needed to grow as a person and a professional. You are and will always be present in my mind and heart.

Steph – for being such a rock for me and being there when I needed you the most throughout the whole process of my thesis.

Gorky and Mishell – for reassuring me that family does not have to be in the same geographic location to be together.

Acknowledgements

During my PhD journey there were so many people that helped develop each of stage of the process and grow personally and professionally. First, I would like to acknowledge my supervisors Donald Matheson and Tara Ross. Since I first started making contact with Donald from Ecuador, he showed genuine interest in my research topic that made the decision to start the programme at UC easy. He was patient while I arranged my travelling plans and organised my life in Ecuador before my move to Aotearoa New Zealand. When I arrived in New Zealand, Donald supported me in the further development of my research proposal by giving me the necessary guidance in terms of what research methods would work best for my project. He pointed me in the right direction while I was designing my research and made sure that my research goals were achieved.

I also would like to acknowledge Dr. Tara Ross, who joined as my co-supervisor for my thesis. I believe that her experience as a journalist and insights acquired working in the field allowed me to have a unique perspective of the issues arisen in my thesis. Her input was key for the interpretation of results and writing process of the thesis.

I also would like to acknowledge Dr. Linda Jean Kenix, the head of the School of Language, Social and Political Sciences. Thanks to her, I was able to engage in additional research and the creation of academic papers presented in conferences and published in journals. This not only added to my research experience, but allowed me to gather invaluable experience for my future endeavours and academic career.

I must also acknowledge my family's support during my PhD journey, which took place while COVID-19 drastically changed our lives and gave us a new perspective of what it means being far from home. Having had to experience my father's death while being in New Zealand and without the ability of going back home, the multiple conversations that I had with my mum,

brother and sister in-law, greatly helped me with my mental health and gave me the strength to focus and carry on working towards my PhD degree.

I must also highly acknowledge my partner Stephanie Kaefer. When I decided to come to New Zealand I never imagined I would meet the love of my life. Being able to carry on with my PhD in a timely manner has a lot to do with you and your support. I thank you for giving me the help I needed for the completion of this PhD, from all the healthy food you prepared for me to your unconditional support day and night while I focused on writing and progressing my thesis.

This acknowledgement section would not be complete if I did not mention all the people at the Media and Communication department whose multiple contributions to my journey changed my overall appreciation of life issues and helped me grow as an individual and a researcher. Thank you to Babak Bahador, Zita Joyce, Michelle Harrison, Lea Kortman, Natalia Chaban and Wan Chi Leung.

I also want to acknowledge the contributions that colleagues in the College of Arts made during my PhD journey. Thank you Daniel Chia and Laura Moreno for all the multiple conversations we had on our plans and experiences in New Zealand as Latin Americans. It was very reassuring to meet people with a similar background and be able to chat with them about our experiences in this country.

There are lots of more people that in many ways helped me in the realisation of this project, including friends, family and colleagues. If you are not mentioned in this text please forgive me as it was not intentional. You all played a key role in my journey and I will be forever grateful for that.

Abstract

Media regulation in South America has been theorised from perspectives that consider the need for unrestricted journalism that is capable of scrutinising power without fear of reprisals as well as journalists' responsibility to serve the public interest in their reporting. In this regard, the Ecuadorian Communication Law in Ecuador was enacted by Rafael Correa's government with the argument that it would improve journalistic practices and news that would ultimately benefit citizens. However, this law was questioned by journalists and other media practitioners who believed it increased the possibility of censorship, particularly of news that scrutinises the government. This thesis examines the role of the Ecuadorian Communication Law in the reporting of the 2017 Odebrecht scandal to draw conclusions about how journalists' news processes interact with this regulatory framework during reporting of highly relevant political news.

This study employs a constructivist approach and qualitative research methods to examine the role of the Ecuadorian Communication Law during the reporting of political scandals from different perspectives. First, this study builds an analytical foundation through normative and discourse analyses of Ecuadorian regulated news texts alongside unregulated texts, using the Ecuadorian Communication Law's requirements as a standard. The results of this process allow theorisation of the ways in which, and how much, media regulation is reflected in the Ecuadorian news texts. Second, through in-depth interviews, the research gathers insights into journalists' reporting practices during the Odebrecht scandal, to further explain how the Communication Law fit with newsroom processes.

As such, this thesis contributes new empirical research to discussion about the role of media regulation in the reporting of sensitive political news. Specifically, it raises questions about whether media regulation, as enacted in Ecuador, can account sufficiently for subjective concepts in news practice, such as balance and fairness. Moreover, this study concludes that

regulation in Ecuador presents challenges in terms of its fair application. Specifically, constraints dealing with subjective concepts in the creation of news, as well as issues regarding the journalists' perception of freedom and autonomy in their work.

Keywords: media regulation, politics, discourse analysis, newspapers.

Chapter I: Introduction

Background

Media regulation in South America has been discussed from two main perspectives, state and self-regulation. In particular, trends regarding state regulation, or the absence of, in this region have been explored by scholars in terms of media ownership and broadcast content (Chavarría, 2011; Marino et al., 2010; Mestman & Mastrini, 1996; Sánchez, 1998). As a result, state media regulation has been theorised mostly in the context of the distribution of the radio-spectrum frequencies. Scholars believed that, since radio-spectrum frequencies have been declared a world heritage resource¹, it would be more appropriate that their administration be public than private. Considering that broadcast content creators need the radio-spectrum frequencies to reach their audiences, they should “aim to find a balance that allow the functioning of democratic rules considering the commercial possibilities in the media system” (Marino et al., 2010, p. 23). Though this stance recognises that in any state-led distribution of the media there is a need for transparent and independent systems. The overarching objective of these is that information distributed through this resource, such as public media, is disseminated in a diverse and inclusive way that considers all groups within a country (Mestman & Mastrini, 1996, p. 84). Mestman and Mastrini highlight the 1980s in Latin America as the time, after governments pushed for the creation of public media, with some successful and unsuccessful attempts, when the capitalist model was also adopted in the media field. An act which ultimately increased the number of unregulated privately-owned media in this region. These two approaches to media

¹ A world heritage resource is a resource that belongs to humanity, that is every human on the planet, and cannot be privatised.

regulation demonstrate tensions at play between competing models regarding the state's role in shaping the media

In terms of the regulation of journalistic practices, Sánchez (1998) recognised the issues regarding relationships of power in the media and believed in the need to prioritise the readers through responsible use of media channels. However, he did not see state restrictions to the processes involved in journalism as a viable option. He believed they would raise too many concerns, which could result in conflict where the state regulates those who are meant to scrutinise it. Instead, he proposed other self-regulation parameters that, in his view, would fulfil the requirement of protecting the readers. For example, implementing a well-defined journalist role where the journalists are not only independent and autonomous but also that places more significance on adhering to ethical codes. This would enhance already existing universal journalistic codes, such as facticity, objectivity and balance in the news, that are present in several South American countries, where journalists associations and news media outlets use them as parameters for their work (Chavarría, 2011).

In Ecuador, the discussion on media regulation came to the forefront of local politics in 2007, when the newly elected leftist president Rafael Correa, as part of his discourse, accused the private news media of being oligopolistic and pandering to the interests of the elite. As a result, his Government pushed for media regulation that, amongst other things, distributed media ownership in three equal parts between private, public, and community media, and included ethical standards as requirements for journalistic work (Correa, 2013a). However, during his term in office, Correa was also criticised by his opponents in relation to public-funded media, which at the time, showed strong signs of working as a channel highly linked to government views and political ideas (Chavero, 2015). In this sense, opponents of Correa's media regulation policy argued that it was

part of his Government's intention to increase control over the news media and curb their freedom to expose any government wrong-doing (Ramos, 2010). They also highlighted the fact that it gave powers to the government to appoint officials and set up government departments to oversee the compliance with the law. In this respect, the application of the law did not seem to consider media practitioners' views in terms of including non-government people in positions to oversee the compliance of the law (Chavero & Oller, 2014; Fernández Balda, 2020)

Ecuador is not alone in facing these tensions. Similar friction between governments and news media has also been observed in Argentina, where the relationship between the private news media and the government has also experienced mutual hostility, particularly between ex-president Cristina Fernández, and the country's biggest media group Clarín, that owns print and broadcast media. Like Correa, Cristina Fernández also referred to the private media as a dishonest institution trying to affect government decisions that benefit the citizens. In this context, her Government enacted Law 26.522, which mainly put a limit to the ownership of broadcast licences by area (Crettaz, 2015). This law was criticised by *Clarín*, who publicly proclaimed their editorial aim to question and critique the government, and argued that this policy was, in part, targeted at them as reprisal for their journalistic work scrutinising Fernández's administration (Greenslade, 2012).

A significant aspect in the media regulation debate is the media ownership structures. In particular, the discussion on whether these structures affect the news media's role to report quality information that serves the public (Christians et al., 2009; Croteau & Hoynes 2006; McQuail, 2012). On one hand, private media ownership is considered an issue by some. They argue that the owners control the content and shape the information in their self-interest, inhibiting the media's function to scrutinise and hold

those in power accountable. Furthermore, the nature of the news media as a business has been regarded an issue as the quality of their publications might be compromised in order to have "...influence in politics, state administration or in the audience's lives." (Luna Pla, 2001). On the other hand, public-funded media is also not free from criticism. Without transparent systems of accountability that verify the content as independent and not influenced by the government, there is a risk these channels could become their tool for spreading only their views and political ideology. This means that journalists may be inhibited from engaging in news topics that could potentially affect the government negatively and result in less future funding or stronger government involvement that dictates what topics should be covered or not (Levendusky, 2013). This issue extends too, to community media, as usually this kind is also reliant on public funding. Since this kind of media aims, by definition, to highlight the needs of isolated and small communities, the lack of transparent public systems to protect their independency, their editorial decisions and sustainability are at risk of being compromised (Buenaño et al., 2017).

However, journalistic work and trends cannot be simplified to a matter of ownership as there are other issues that play a role in the development of news, besides structures of power, that may influence the way news is reported (Weiss et al., 2017). For example, internal and external ethical expectations in the reporting of news. These include serving the public interest by providing truthful information, reporting news objectively, as well as following collectively agreed journalistic standards. Moreover, the way news is reported is also argued to reflect the journalistic culture and its values and beliefs within a determined context. In this regard, each journalistic culture responds to their specific atmosphere and cannot be generalised (Chavero, 2015; Hallin & Mancini, 2004; Oller et al., 2017). In Ecuador, for instance, the journalistic culture is

likely shaped, in part, by a news media environment featuring a large number of private media, public-funded media strongly linked to the Government, and the presence of a Communication Law with jurisdiction on newspapers (Chavero & Oller, 2014; López & Becerra, 2009).

The importance of this study lies in the need for evidence on the journalists' perceptions of the role of the Ecuadorian Communication Law in their reporting of relevant political news. In particular, it is necessary to carry out an in-depth analysis and discussion of the journalists' approach to their reporting while considering journalistic standards, such as objectivity and balance, in a regulated environment. This study begins with a two-part textual analysis of the regulated Ecuadorian news texts alongside news texts from a similar context, where there is no communication law, in order to examine the role that regulation played in Ecuadorian news practice. In this regard, the notebooks scandal in Argentina stands out as a useful case study for the Ecuadorian news texts to be analysed against due to the similarities they share and the feature that distinguishes them. These similarities include the two countries' complex political tensions between politicians, who pushed for regulation, and the news media, the fact that both cases are about political corruption, and the fact that both cases happened at similar times. Moreover, the key difference between them is that one of them is under media regulation, and the other is not. Consequently, these similarities and key difference between these two case studies assist the researcher in his theorisation of the extent to which the patterns found in the Ecuadorian reporting may reflect the Communication Law.

The analytical approach mentioned above provides an empirical foundation where the researcher, aware of discursive patterns found in the regulated news texts, is able to engage in a further in-depth analysis through semi structured interviews in order to

explore deeper issues regarding the regulation of news and how journalists consider it within their reporting processes. Specifically, after having found language features in the regulated news texts and drawn conclusions on how they fit with the Communication Law's requirements, the researcher can explore explanations for them by interviewing journalists and academic experts who were involved or followed the news analysed closely. Additionally, these in-depth interviews allow further examination of deeper issues regarding the effectiveness of the Communication Law by learning how the journalists' perceived the news on the Odebrecht scandal and how they considered the law in their reporting (Oller et al., 2017).

The results then set the foundation for the exploration and discussion of big-picture issues that needed to be considered when looking at the regulation of news texts, specifically in terms of relevant political reporting. These include media structures, journalistic cultures, ethics and partisanship. Consequently, this study contributes to the existing literature on media regulation by providing a body of research that explores the impact of regulation on the way that news is written. This will be achieved by first addressing whether media regulation impacts positively or negatively on journalists' adherence to ethical codes, such as the facticity, accuracy and fairness of news texts. Second, whether media regulation, as proposed in Ecuador, works as a medium for fair scrutiny of journalistic practices taking into account the public interest as well as journalists' work challenges and how they affect their texts.

For the purpose of this study, the following introductory text provides a description of the case studies considered in this thesis. It also provides an overview of the objectives of this research, and how its different stages were designed in an order that allows each one of them to set the stage for the next one. Next, this introduction also gives an overview of relevant issues that are argued to affect the reporting of political news, and

journalists' approach to them, which were divided into three main themes: media ownership, challenges for journalists, and tensions between politicians and the news media.

Political scandals used in this research: Background.

This thesis takes, as its main points of reference, the articles of the Ecuadorian Communication Law that set requirements for the publication of news texts. As well, it considers case studies involving political scandals. The reason to focus on political scandals is their close connection to the news media. Specifically, political scandals are usually the product of the media's amplification of politicians' dishonest actions. In addition, political scandals signify journalists' judgements on the morality of certain political actions and the extent to which they are in the public interest (Thompson, 2013).

The case studies selected are of high political relevance and featured news reports where journalists and political leaders critical of the news media, were regularly in each other's spheres of influence. This thesis examines *the Odebrecht scandal*, where Jorge Glas, the vice president of Ecuador, was at the centre of the reporting. In order to tease out the role that Ecuadorian Communication Law played in the reporting of this case, the Odebrecht scandal is analysed alongside the unregulated reporting of the notebooks scandal in Argentina.

The text below offers a more detailed explanation of the context in which these scandals took place, their similarities, and what they meant in terms of the reporting.

Jorge Glas and the Odebrecht scandal

The Odebrecht scandal took place at a time when Jorge Glas was recently elected vice president of the country, along with Lenín Moreno as president. It broke out as a result

of a news article published by a digital news media outlet containing alleged recordings of Jorge Glas that suggested he received bribes from Odebrecht, a Brazilian construction firm, in exchange for assigning them public contracts in the country (BnAmericas, 2017).

Jorge Glas and Lenín Moreno won the elections in early 2017 as Rafael Correa's successors and were openly endorsed by Correa and his party. Their campaign's overall proposal was to continue the political programme Rafael Correa had left, including maintaining the Communication Law in its current state (BBC News, 2017).

The tensions between their government and the news media were inherited from Rafael Correa's term in Office. From the beginning, Rafael Correa exhibited hostile behaviour towards the country's news media, which featured open criticism to certain journalists and newspapers, and TV network' owners. This was a normal expectation during Rafael Correa's weekly addresses to the nation. He would personally play excerpts of news reports and rebut them, undermine them and question the quality of any news reports criticising his government (Becker, 2013).

An example of this animosity was Rafael Correa's defamation lawsuit against *El Universo* newspaper, the biggest private newspaper in the country. This case was based on the publication of an opinion article concerning the president's actions during a police insurrection on the 30 September 2010 (BBC, 2012). Correa sued the journalist who wrote the article claiming that "he [Rafael Correa] had ordered the military to shoot towards a hospital full of civilians" (Palacio, 2011). He also sued the newspaper's owners for allowing the publication of it under the argument that it affected his right to dignity (BBC, 2012). Even though the court's decision was in favour of Correa, he later appeared on national television giving a speech on his view

of freedom of the press and publicly pardoning the newspaper and the journalist involved in the case (Muñoz, 2012). However, this case was seen by international organisations and news media outlets as an attempt against the freedom of the press and a sign of the government's judicial persecution against media that reports against it (Reporters Without Borders, 2011).

By comparison, during Rafael Correa's term, the state-owned newspaper *El Telégrafo* experienced an increase in state funds and expansion of staff. During this time, Rafael Correa would often recommend his supporters read this newspaper instead of the private ones, which he claimed published poor quality news (Correa, 2013b). Even though this newspaper was categorised as *diario público* [public newspaper], there are claims that in practice, it served as a state's newspaper as it spread propaganda for Correa's government, meaning that none of its content would be questioned as long as it followed the government's desired editorial line. (Chavero, 2015; Dávalos, 2017).

On the back of this historical tension, Lenín Moreno and Jorge Glas started their term in office, however, after only a few months, Lenín Moreno started to receive criticism from Jorge Glas and his party members (Bastidas, 2017). They accused him of forming alliances with people that were directly against the party's goals and values and thereby betraying their trust. These claims were disregarded by Lenín Moreno, who later publicly cut his relationship with Rafael Correa and Jorge Glas.

The development of the Odebrecht case happened at a moment of high political tension and an apparent shift in the government's attitude, which also included the journalists' perception of a less confrontational attitude by Lenín Moreno's government towards the news media.

Cristina Fernández and the Notebooks' scandal

Cristina Fernández served as president of Argentina from 2007 to 2015. Just as in the Ecuadorian context, she was also a left-wing politician characterised for criticising the press and accusing them of acting in the interests of the elites and thereby against her. Cristina Fernández held a tense relationship with the private media and a characteristic of her government was the very few press conferences she held as she claimed that they were not a priority in her government. Additionally, she had a complicated history with *Clarín*, the biggest newspaper in the country. Their relationship included public accusations against this newspaper for defending the elite's interests, but most importantly, their disagreement on the approval of the audio-visual media law, which limited the number of TV and radio channels that media companies could own. *Clarín's* media group, which also owned the newspaper, released a statement claiming that the law was tailored to oppose them specifically and that the government's intention was to decrease their ability to reach their audience (Greenslade, 2012).

After her time as president, Cristina Fernández ran for and won a position as national senator, during the presidency of Mauricio Macri, who in the past was part of her opposition. It was in this context that the notebooks' scandal broke out. The case started with the publication of notebooks that detailed alleged moments of cash transactions between government officials and business executives, where Cristina Fernández was implicated as one of the main actors. During the case's development, she dismissed the accusations against her and claimed that the scandal was part of a strategy by her opposition and the elites to retaliate against her (Europa Press, 2020).

These two scandals and their contexts, along with the background involving left-wing politicians and the news media, show contextual features that will help accomplish the research main objective detailed below. Specifically, the many similarities in their

political scandals and the key difference are considered. The similarities include: both contexts feature hostility between the news media and the left-wing leaders who later were main suspects in the scandals reported, both cases are about corruption, and both cases happened at similar times. As well, the fact that Ecuadorian newspapers were under regulation whereas Argentinean ones were not, is considered in the comparative approach part of this study. Even though the discourse patterns found in the reporting of these cases are shaped by a variety of factors, such as journalistic cultures and specific circumstances in each country's reporting, the two scandals' contextual similarities will allow the study to theorise what features in the Ecuadorian case study may respond to the presence of the Communication Law. This will then provide a basis for the in-depth exploration of the approach that Ecuadorian journalists took in their reporting of this case and how they considered the Communication Law within their reporting.

Main research objective and process

In addition to the literature and studies regarding news discourse in Ecuador and its portrayal of political figures and events (Estrella, 2013), as well as the research carried out on the Ecuadorian Communication Law (Anderson, 2018; Chavero, 2015; Henao-Bedoya & Barredo-Ibañez, 2019; Ordóñez, 2013; Viveros & Mellado, 2018), this thesis aims to explore, using empirical research, the role that the Ecuadorian Communication Law played in the reporting of highly sensitive political news. This law lasted, in its original form, only five years (2013-2018), and is the only legislation in South America that included newspapers within its regulation, unlike other laws that only included radio and television. In this sense, this thesis carries out research to explore what role the law played in the reporting of highly relevant political news, specifically, the journalists' approach and the framing used in the news texts. As a result, it provides the analysis of the early impact of the law and sets the groundwork for further long-term

analysis of the concrete effects the state media regulation could have on local reporting and news texts. This area of research is important as it builds theory on the exploration of ways to reconcile journalists' accountability for their reporting without threatening their autonomy in their work.

This thesis examines the role of the Ecuadorian Communication Law during the reporting of a national political scandal through two different analytic approaches, comparative and in-depth, that are organised into three different cycles. The first part, the comparative approach, consists of two cycles (cycles one and two) and examines the regulated reporting of the Ecuadorian scandal alongside another scandal in Argentina whose reporting was unregulated. In these two cycles, by having observed what unregulated news texts look like, the reporting patterns in the Ecuadorian scandal are examined to find out the extent to which they may be affected by the presence of the law. The second part, cycle three, follows an approach consisting of in-depth semi structured interviews with Ecuadorian journalists and academic experts in order to contribute to the understanding of the role of the law in the reporting of this scandal. These two approaches signified the cohesive use of several qualitative research methods that answer the following research questions:

- What are the differences between the reporting in regulated and unregulated news media?
- Does Ecuadorian news reporting fit with the articles of the current Communication Law?
- What does the data analysis suggest regarding the effectivity of media regulation in Ecuadorian newspapers?

- What other factors does the analysis suggest affected the way news articles on the Odebrecht scandal were written in the Ecuadorian regulated newspapers?

In order to answer these research questions, the study focused on the reporting of the Odebrecht scandal in Ecuador, considering two different newspapers, *El Universo* and *El Telégrafo*. Their selection was based on several criteria involving their audience reach, past history with the actors involved in the case studies, and their perceived political ideologies, in order to guarantee the relevancy of data and likelihood of significant results.

The first two cycles, corresponding to the comparative approach of this study, consisted of normative and discourse analyses in order to identify patterns in the reporting in regulated and unregulated newspapers, taking as a point of reference the articles 10(3a) (3b) (4e) (4f), 18, 25 of the Ecuadorian Communication Law. These articles were selected as they deal with journalistic principles such as objectivity, fairness and balance in the news, as well as the requirement for news texts to be impartial in the reporting of legal processes. In this sense, by analysing the regulated and unregulated news texts alongside each other against the Communication Law's articles, it could be possible to identify their differences and theorise what patterns in the regulated reporting could have responded to the presence of the Communication Law. The third cycle carried out in-depth semi structured interviews in order to examine further the issues surrounding media regulation in Ecuador and how the journalists approached their reporting considering the Communication Law. Consequently, the results of these processes helped answer the research questions on whether the news reporting fit the Communication Law, the effectiveness of state media regulation for newspapers, and other factors that may have affected the reporting of the Odebrecht scandal.

The first cycle started with the normative analysis and focused on the reporting of the Odebrecht scandal in Ecuador and notebooks scandal in Argentina. In this cycle, news texts from the Ecuadorian newspapers *El Universo* and *El Telégrafo* were examined along with the news texts in two Argentinean newspapers *Clarín* and *Página 12*, which were also selected under the same criteria mentioned above. By looking at the structure of the news texts, this cycle gave the study an indication of these newspapers' hypothetical compliance with the law and identified the most relevant stories that would form the discourse analysis.

The second cycle moved into a deeper examination of the reporting. This cycle identified language features and highlighted differences between the reporting of two political scandals selected. In this cycle, the objective was to identify discursive patterns in regulated and unregulated reporting involving high ranking left-wing politicians in Ecuador and Argentina. By comparing the examination of the regulated Ecuadorian news texts to the unregulated Argentinean ones, the researcher was able to go further in the theorisation of any patterns in the Ecuadorian reporting that might have been due to the presence of the law. Additionally, in this cycle the researcher would also suggest to what extent the discursive patterns fit with the Communication Law's selected articles. Though, the conclusions drawn by the findings in this stage brought up issues that required in-depth examination in order to answer more robustly the research questions laid out in this thesis (does Ecuadorian news reporting fit with the articles of the current Communication Law?; what does the data analysis suggest regarding the effectiveness of media regulation in Ecuadorian newspapers?; what other factors does the analysis suggest affected the way news articles on the Odebrecht scandal were written in the Ecuadorian regulated newspapers?)

The third and last cycle, the in-depth semi structured interview approach, took the results from the discourse analysis on Ecuadorian news texts and used them as the basis for in-depth semi structured interviews with journalists and academic media experts who have knowledge of the Ecuadorian media context, and the Odebrecht case. This cycle allowed the researcher to explore further the participants' views on how the law was considered during the reporting, as well as other factors that may have affected the news practice, including the existing political tensions between the government and the news media, interpretation of the scandal, decision-making processes on what aspects of the case were of public interest, and the role of the existing media regulation law in the reporting.

As a result of the analysis in these three cycles, this study was able answer the research questions about the effectiveness of the Communication Law and its reflection in news reporting already being shaped by media structures, journalistic culture, and journalists' perception of their political context.

Themes of the thesis

This chapter will now provide a brief description of the overall themes present in this thesis. These include state media regulation for Ecuadorian journalism, media ownership and structures, and challenges for journalists and their practices. In the exploration of news practices, it is important to consider these aspects as they play a significant role in the way journalists approach their reporting (Baker, 2006; Chavero & Oller, 2014; Oller, Chavero, Cevallos, et al., 2014).

State Media regulation for Ecuadorian journalism

The most important theme that this thesis explores is the role of the Ecuadorian Communication Law in the reporting of highly relevant and sensitive political news and how it affects journalists' reporting.

During his term as president, Rafael Correa (2013a) publicly accused private news media of being oligopolistic, and pushed for a media regulation law arguing that information is a public good and has a pivotal role in a country's democratic process. In this sense, the creation of this law was also founded on several arguments that claim the power of the news can shape public opinion and affect democratic processes. However, the opponents to this government also claimed that the reasons used for the creation of the Communication Law were not reflected in public-funded media, which worked more as state media. In this type of media, journalists are required to stick to the Government's editorial line without enough opportunities to engage in topics that do not represent its interests (Montúfar & Barredo-Ibañez, 2017). This raised concerns in terms of the real intentions behind the Communication Law as the claims supporting and opposing it revealed a politicised atmosphere.

From a scholarly perspective, this media regulation policy seemed to attempt to address issues acknowledged by the literature regarding the influence of media structures of power on the news (Baker, 2006). Chomsky (1993) argues that the private media organisations are owned by people with economic and political interests that affect the information they publish, and journalists are not really free to decide what to report or how to report it. However, South American scholars point out the complexity in arguing against or in favour of media regulation based on ownership as public-funded media, often owned by the state, has also shown signs of being strongly linked to government views. This means that the influence of political interests affecting the

news can also be applied to this form of ownership (Becerra, 2014; Mestman & Mastrini, 1996). In this sense, there are various other factors that affect the way journalists cover news and they need to be considered in the theorisation of media regulation, including the political and social context of each country as well as their journalistic cultures and the journalists' approaches to the news considering ethical standards and relevance of the events reported (Becerra, 2014; Mestman & Mastrini, 1996; Oller, Chavero, Cevallos, et al., 2014; Oller et al., 2016; Oller et al., 2017).

In the Ecuadorian case, the Communication Law's requirements around ethical practices and features that published news texts need to show, were not well-received by some journalists. They argued that this section of the law was a part of Correa's Government's intentions to increase control over the news media and prevent any news that criticised his administration. Furthermore, the law's stipulation that its application would be done through government institutions, whose heads would be appointed by the Government, gave full decision-making power to the executive on communication issues, increasing the mistrust amongst the journalist community (Ávila, 2013). This thesis attempts to discover whether this law succeeded in contributing to the improvement of quality journalism, as well as acquire insights on how it is considered by the local journalists when covering highly sensitive political news.

Media ownership and structures

The next theme involves media ownership currently present in Ecuador. Here, it is important to point out the differences between private, public and state media, acknowledging too community media, in the Ecuadorian context. Private media are regarded as the kind that belongs to private organisations or companies and characterised by relying, to an extent, on sales; thereby functioning under a commercial atmosphere. In Ecuador, the majority of media channels belong to eight locally owned

commercial groups (Chavero & Oller, 2014; Hintz, 2011). Public media, as it was theorised in Europe, refers to the kind of media that, even though is funded by the state, does not hold any ties or accountability to the government. Instead, this kind is generally overseen by independent and transparent processes carried out by public servants, who in turn, are not involved in the government (Mastrini, 2013). Here is when the state media concept needs to be considered as it is argued to be the kind present in Ecuador (Chavero, 2015). State media, also funded by the state, refer to the kind that, unlike public media, responds to the government's interests and views. In other words, their editorial line as well as those in high ranking positions are decided and appointed by the government (ACE Red de Conocimientos Electorales, 2020). In Ecuador, there are several broadcast media channels, as well as one newspaper, currently owned by the state. Even though these media channels have been categorised as *medios públicos* [public media] and are legally entitled to editorial autonomy (Asamblea Nacional, 2013), they have been criticised as being heavily linked to the government by serving as communication channels for its views and political ideas (Macay & Mena Iturralde, 2020).

Community media, which are outside the scope of this study, also played an important role in the media regulation debate in Ecuador. Community media, which are generally seen as “giving a voice to those who do not have it”, refer to media channels aimed to give access to vulnerable communities (Buenaño et al., 2017). Specifically, communities with social and economic needs have the opportunity, through community media, to express their concerns and ideas for improvements. In the Ecuadorian context, community media is defined as those that belong to non-profit organisations and other collective groups. Although the Communication Law gave a space to increase community media's frequencies and communication channels, in practice the increase

was not significant. Here, Galán Montesdeoca (2015) argues that the uptake of community media channels depends on more than the legal channel for its presence. He emphasises that for the number of community media to increase, there needs to be genuine state initiatives that give relevance to the issues that this kind of media exposes.

Some see private media ownership as a feature that helps media companies to develop faster and be able to control the manufacturing aspect of media content (Richeri, 2020). However, others claim that the economic power of the news media is generally tied to the political power. This means that the news media are likely to function as lobby instruments in favour of or against policies that might involve their owners' interests (Rincón & Avella, 2018). Situations like this may translate into directions for journalists on how to report certain topics and what angles to approach them with, compromising the principle of freedom of the press (Hallin & Papathanassopoulos, 2002).

On the other hand, although public-funded media may work as an alternative for journalists to not have work under the media owners' interests, the Latin American trend of state intervention suggests that this has challenges. State media resources come from the government, and despite the presence of tools that claim to decrease the Government's editorial influence, journalists are still at risk of being under implicit government control, which decreases their ability to freely hold politicians accountable (Besley & Prat, 2006). This signifies a fundamental conflict between journalists serving the public interest *and* relying on the government for the necessary resources to do that work.

This thesis explores issues surrounding media ownership in Ecuador by looking at the reporting of a private and a public-funded newspaper, and highlights how media regulation fits within these two kinds of administration.

Challenges for journalists and their practices

The last theme explored in this thesis is of factors that might/could affect journalists' approach to the reporting of highly relevant and sensitive political news in the Ecuadorian context. This relates to their approach to the news items they are reporting on as well as their personal views on them and ability to get resources for coverage.

Even though South American journalism has been characterised as having practices that follow universal journalistic principles of facticity, objectivity and fairness (Ethical Journalistic Network, 2020), the region as well as each country in it have unique features that have shaped each journalistic culture and how journalists apply these principles in their own context. This means that in their work, journalists may take the normative standards of journalism and fit them within their own political and social atmosphere. Constant political instability and politicization of the media regulation debate (Martín & Ibañez, 2013), are some factors that have shaped the media environment and could play a role in journalists' perceptions of freedom in their work and approaches to political reporting. For instance, journalists are often faced with events regarding political corruption, which it is argued, results in their reporting focusing on how corrupt acts were carried out, rather than whether corruption happened or not (Saldaña & Mourão, 2018). Generally, this reporting takes the form of scandal as the coverage of the corruption is often highlighted more and more consistently reported than other news.

In reporting the news, it is argued that journalists need to act with as much independence as possible. However, given the current media structures, as previously discussed, the extent to which journalists can exercise independent and autonomous work is still a significant issue in the scholarly debate (Baker, 2006). Previous research on Ecuadorian journalism has found that, in general, the main challenge that journalists encounter in the autonomy of their work is perceived to come from the government rather than private media structures (Oller et al., 2016).

Additionally, the priority for reported information to be objective has also been a matter of discussion in contemporary literature. Scholars have explored objectivity as either a method or a result of the news-making process, and believe that it is impossible to see in news texts as they are product of a process that naturally interacts with sets of beliefs, values and stances (Maras, 2013; Oller, Chavero, Ortega, et al., 2014; Tuchman, 1972; S. J. A. Ward, 2015). Instead, they see objectivity as a method in the sense that journalists can allow their values and beliefs to be part of their process, as long as their texts are supported by factual information. In this sense, Ecuadorian journalists also see objectivity as a process in the reporting of news rather than a feature that appears in published texts. However, their approach to objectivity in their work is also shaped by the circumstances of the news they report (Oller, Chavero, Ortega, et al., 2014).

Other constraints are also claimed to affect news texts and their content. These include challenges to journalists' work practices, such as access to work resources, low salaries and heavy workloads, which play a role in the quality of reporting involving sensitive topics, such as political scandals (Saldaña & Mourão, 2018). In particular, it is argued that a lack of resources to carry out investigative work affects the accuracy of information published as journalists with multiple other topics to cover end up relying

on other news reports as the basis for their stories (Weiss et al., 2017). This reduces the amount of original work in the reporting of news, and increases the likelihood of the amplification of information coming from other news outlets rather than the main source.

Based on the analysis of the reporting of the Odebrecht scandal, this thesis considers the journalists' challenges mentioned above and examines them in the Ecuadorian context in order to answer the research question: what other factors does the analysis suggest affected the way news articles on the Odebrecht scandal were written in the Ecuadorian regulated newspapers?

Summary of the thesis

This thesis is set in the context of tensions between the Ecuadorian private news media and the government, focusing on the reporting of the Odebrecht scandal and vice president Jorge Glas. After setting an analytical foundation that points out differences in regulated and unregulated news texts, this study then focuses on the in-depth examination of the factors that may have shaped the coverage of a highly sensitive political case in a regulated environment. These factors include structures of power at media outlets where journalists work, their perception of the political and media context, and the presence of the Ecuadorian Communication Law. In order to conduct a coherent and thorough exploration of these issues, this thesis is divided into eight chapters.

Following Chapter One, Introduction Chapter, Chapter Two consists of an exploration of the relevant literature that considers the three main themes directly related to this thesis. First, the role of the news media in democratic development and fundamental issues that might inhibit them, such as structures of power and regulation. Second, this

review also explores journalists' challenges regarding the idea of objectivity and professionalism in the reporting of news and the role that ethics plays in newsrooms. Third, this chapter looks at the discussion on media regulation and the arguments in favour of and against it. It specifically highlights the discussions carried out by South American scholars and focuses on the Ecuadorian Communication Law and journalistic culture, addressing the focus of this research.

Chapter Three offers a detailed explanation of the research design and the methods applied, and outlines the research questions, case studies, normative analysis, discourse analysis and in-depth semi structured interviews.

Chapter Four marks the beginning of the analyses with a comparative approach. This chapter consists of the normative analysis involving the news texts of *El Universo*, *El Telégrafo*, *Clarín* and *Página 12* against articles 10(3b) (4e) (4f), 18, 25 and 27 of the Ecuadorian Communication Law. The findings in this chapter set the foundation for the discourse analysis as it exposes how the legal articles can be interpreted differently when applying them to news texts, which requires a deeper examination of the texts.

Chapter Five consists of the discourse analysis of the news texts reporting the Odebrecht scandal in Ecuador and the notebooks' scandal in Argentina. This analysis details the language features found in the texts of each newspaper and their differences in the patterns of the reporting involving Jorge Glas and Cristina Fernández. As a result, this chapter theorises the extent to which the patterns found fit with the Communication Law and whether any differences are result of the law or not. This chapter marks the ending of the comparative section of this study.

Chapter Six moves onto the deeper examination of the regulated Ecuadorian reporting and the Communication Law by exploring the responses gathered during in-depth semi

structured interviews of Ecuadorian journalists and media experts. The chapter is divided into themes based on the insights that the interview data provided. These include the tensions between journalists and the government, other factors that affected the reporting of Jorge Glas and the Odebrecht case, and other reasons behind some of the discourse patterns found in Chapter Four.

Chapter Seven discusses the findings and how their comprehensive analysis contributes to answering the research questions. Primarily, this chapter examines the results of the discourse analysis of the Ecuadorian case study along with those of the in-depth semi structured interviews in order to find possible explanations for the patterns found in the Ecuadorian reporting and what role media regulation might have played in the reporting of highly relevant and sensitive political scandals.

Lastly, Chapter Eight, the conclusion of this thesis, uses the theory developed throughout this study in order to tease out how media regulation can be understood in contexts where multiple other factors may also contribute to the way news texts are shaped. As well, it offers concluding thoughts on how the constant technological development of the media and their expanding outreach capabilities presents a need for the exploration of alternative ways that journalistic content can be scrutinised.

Chapter II: Literature Review

The Ecuadorian Communication Law is theorised from three main perspectives in this study: the practices and responsibilities of journalism, political economy (particularly media regulation) and journalistic cultures. In the execution of this study, it is important to flesh out the main theories that build each one of these three perspectives in order to understand, from multiple perspectives, the law's intention and how applicable it is in the Ecuadorian media context.

This literature review begins by exploring how the news media are viewed in terms of their responsibility to their audiences considering their ability to contribute to the shaping of citizens' opinions and public debate. In this regard, the concepts of public interest and truthful reporting are taken as the overarching factors in the journalists' approach to ethics and professional standards.

Furthermore, this chapter explores the theories surrounding media regulation taking into account journalists' accountability in their reporting, as well as their need for unrestricted work in order to meet their responsibility with their audiences. This discussion focuses mainly on regulation of journalistic practices and the issues surrounding its application being carried by the state.

The Ecuadorian Communication Law and journalistic culture are explored in order to situate this literature review in the context where the research of this thesis will take place. Specifically, this chapter will describe the context in which the Communication Law was born, and pinpoint past research that teases out features of the journalistic culture at the time when the law was current. As a result, this literature will set up the grounding for the research and highlight how the theories detailed in later sections of this document contribute to the development of the study.

The exploration of the concepts mentioned above will result in a theoretical framework that acknowledges the factors that provide nuance to the discussion between unregulated and regulated journalism. On one side, journalists' ethical and social responsibility to serve the public interest and report truthfully, and on the other, the mechanisms necessary for news' accountability and what they mean in terms of threatening journalists' freedom of speech.

The topics that will be covered in this chapter are as follows:

- The news media and the public interest and reporting the truth.
- Bias and objectivity in news reporting.
- Ethics in the newsroom.
- Debates over media regulation.
- Ecuadorian journalistic culture and media regulation context.

News Media: Their role in Democracy, the Public Interest and Censorship Risk

Contemporary South American journalism takes place within a heritage of challenging power on behalf of those governed by it. Part of this heritage can be understood, in part, in terms of ideals of public debate and emancipation, as well as the response from powerful groups to it. In this sense, the concepts of public debate and emancipation carry meanings that respond to specific contexts in which they are used (Morán, 2018, p. 10). During the times of independence in North and South America, emancipation meant “the ability to exist and do anything freely, without depending on others” (p. 154). As well, in such a politically polarised atmosphere, public debate was generally regarded as the sharing of news on the independence process, which would generally take place at group gatherings (Andrlik, 2012).

During the American revolution in the 17th century, newspapers played a pivotal role in spreading information across large areas regarding the outcomes of battles and the development of the emancipation attempt. In this conflict, loyalist newspapers, those from the British side, engaged in shaping the news undermining the battles they lost, whereas the patriot ones, those from the American side, highlighted those same outcomes as highly significant and important advances in their independence attempts (Humphrey & Copeland, 2013).

Similarly, in South America, in the early 18th century, the press also played an important role as it actively ignited discussions about the independence from the Spanish crown at the same time when the latter made attempts at maintaining its control (Barredo-Ibañez, 2017). In New Granada, today's Colombia, Ecuador, Panama and Venezuela, the birth of several newspapers did not only signify the trending increase of independence ideas amongst citizens, but also reflected the growing consumption of news (Barredo-Ibañez, 2017, p. 418). In this atmosphere where the Spanish Crown still had supporters, Barredo-Ibañez (2017) notes that newspapers from both sides were active participants in the independence process by spreading and prioritising their ideas in an attempt to persuade those who were indecisive to take sides.

The news media's role in the opposition of power at the time, represented by European colonial systems, shows the link that the news media had with citizens and their attempts to claim sovereignty from monarchies. It also provides proof of their capability to be a significant player in the people's ability to be a part of unrestricted public debate. In this regard, free public debate is seen as a significant pillar of democracy, which Christians et al. (2009) describe as "the triumph of the rule of the many over rule by the few" (p. 91). Specifically, Christians et al. see free public debate as a significant factor in the implementation of systems that base their processes on

decisions taken by the majority rather than the minority, as opposed to the approach of monarchical systems where individuals or small groups would rule over the majority.

Even though the representation of power has been modified from colonial systems to national governments, the relationship between the news media and citizens is still strongly linked by the principles of freedom of information and public debate. In this context, the press has maintained its role as an independent scrutiniser of political power and as an information source for citizens to use in moments of political decisions.

Considering the news media's capabilities to ignite public debate in systems where politics are founded on decisions taken by the majority, Christians et al. (2009) makes specific observations on the tasks that the news media need to consider in order to fulfil their role and uphold people's sovereignty and interests, which they believe, results in the strengthening of democracy:

- "The task of observing, primarily as a service to the public.
- The task of participating in public life as an independent actor by way of critical comment, advice, advocacy and expression of opinion.
- The task of providing a channel, forum, or platform for extra-media voices or sources to reach a self-chosen public" (p. 117).

However, they also recognise that for these tasks to work there are other conditions that need to be met. First, the public must perceive the news media as autonomous and skilled. Second, there must be a wide range of information as well as the news media's willingness to give space to diverse groups. Lastly, reporters must approach public debate from a constructive perspective.

Ibero-American scholars see democracy as a political order where all citizens are entitled to rights and to be a part of the political debate that it entails (López, 2001). Drawing on multiple legal texts that recognise information as a right, such as the American and Spanish constitutions, López makes a case for arguing the importance of the news media in democratic societies. First he takes Desantes' (1991) claim that it is journalism's professional role to carry out the citizen's right to information, and adopts Vallespín's claim that "everything that we know in our society, we learn it through the media" (p. 72). In this regard, he agrees that the way people perceive the world is constructed, in part, by the news media, which is capable of creating a public sphere that may not necessarily show the real issues of interest, but artificially created ones. This capability shows the importance of journalism to construct the public sphere in line with the interests of the public.

Quiroga (2000) agrees with the view of the press as a counterpart to power and sees it as fundamental in the Latin American context, where political, economic and social emergencies are the norm. He sees as a democratic feature the constant publication of government officials' actions, as this helps citizens have a clear picture of them based on their performances in their public servant roles. However, he believes that the Latin American news media is generally out of synchrony from this idea as often the information they publish has features of spectacle rather than political scrutiny.

Other scholarship critiques the news media's role in strengthening democracy, specifically in providing news that fit the public interest and scrutinises power. In this regard, the main argument is that nowadays this role has shifted and currently, instead of the citizens, it looks after the interests of the powerful and the established order (Villamarín-Carrascal, 2013). This results in, amongst other things, the news media often playing their own role in politics by publishing information tailored to protect

particular interests rather than nurture public debate. Villamarín-Carrascal argues that in tackling this problem, a concrete approach would be to look at quality standards that the news follows in order to be considered good. However, as this literature review points out in later sections, quality standards in journalism are recognised to different degrees by journalists, though these standards also respond to various contextual features, including specific political economic forces and journalistic cultures and practices (Oller, Chavero, Cevallos, et al., 2014).

In fully understanding the inter-relation between the news media, citizens and power, it is necessary first to clarify key concepts relevant in this discussion, including the public interest and the state's ability to apply policies that censor media content. These concepts are important as they provide an understanding of the relationship between the news media and the audiences, as well as the factors that may affect them. Additionally, it is also necessary to demonstrate the governments' power to implement systems that could directly impact both the public and the news media's freedom of information.

Public interest

For Croteau & Hoynes (2006, p. 35), the news media acts as a pillar of democracy by serving the public interest, although they recognise that *servicing the public interest* lacks universal definition. They suggest that the term can be interpreted differently depending on how the news media are perceived. Seeing the news media as a part of a bigger media system, *servicing the public interest* is defined as the action of publishing and broadcasting a variety of content that caters for the viewers' different preferences. For instance, television services should be able to transmit several kinds of shows on different subjects and in varied formats. However, given that the news media are considered to be an active player in the strengthening of democracy, the concept of public interest is linked to the news media's social responsibility to provide the

audience with diverse, factual, accurate and reliable, in other words, truthful information that reflects its needs and concerns. In this definition, information is considered to be a public good capable of contributing to the shaping of a knowledgeable and cohesive society (Bardoel & Brants, 2003; Ferrell Lowe & Bardoel, 2007).

The challenges in determining what the public interest relies on are also acknowledged by McQuail (2012, p. 162), who emphasises two arguments brought up during the case of *New York Times v Sullivan*. In that case, the judge expressed that debates on public issues should be uninhibited, robust and wide open, and implied the need for free flow of information without regulation, but his critics believed that this assertion put publishers and readers' interests at the same level. In response, they claimed that in the publication of content, the readers and viewers are entitled to have a say on what should be published, which implies the need for some sort of regulation. This would be the only way for publishers to be able to justify that they work in the interests of the public. In this sense, the public interest can be teased out during key political moments, where the citizens' insights on their needs and concerns are highlighted. In these cases, the news media are meant to be consequential and report information regarding the issues that citizens show more interest in (Iglesias, 2018).

It is therefore important to acknowledge the possible gap between the interest of the publisher and the interest of the public, which in political reporting, might not only be misaligned, but opposed. Croteau & Hoynes (2006) admit that the fact that information sometimes does not reflect the public interest may be a result of underlying political or economic interests. Specifically, at times when the releasing of certain information may affect powerful groups, the information can be shaped in two different ways:

- Media content can be homogenised and thereby reduce the range of views available to the public.
- News may be subject to trivialisation or sensationalism. (p. 66).

In the discussion between the interests of the publisher and the public, probably one of the most significant takes on the notion of how to ensure that media *serve the public interest* is made by Lunt and Livingstone (2011), who believe in the need for media content to be overseen by civil organisations detached from the government. They recognise that not only has there been an increase in digital media and channels that publish content, but also a bigger capacity for it to reach audiences in different areas and countries, which in turn, makes state media regulation harder to apply.

Additionally, they claim this larger reach means that the presence of diverse social and cultural norms has made the audiences care more about the content published and whether it complies with their standards. In this regard, Lund and Livingstone see that public entities composed by civil society, are more likely to reach agreements with media practitioners and institutions in terms of what their content needs to have in order to serve a socially and culturally diverse public interest.

South American scholarship sees the public interest as a priority in the creation of media regulation policies. In this regard, scholars believe that the public interest is, in part, a reflection of the totality of the population having access to consume and participate in media content, which in turn allows them to participate in public debate (García Canclini, 2000). Here, García Canclini notes that some governments, while claiming that media regulation policies are aimed at improving information to benefit the citizens, they do not show strong efforts to include all the communities within, leaving small and isolated communities out of the public sphere (p. 74). In Argentina, for example, isolated communities' lack of access to participate in the media is an issue

that the country's media distribution policies still struggle to address (Mastrini & Becerra, 2011).

Censorship

The news media's responsibility to reflect the public interest and the risk of information being shaped in terms of particular rather the public interests, are argued by leftist politicians to be issues that state media regulation has the ability to reduce (Correa, 2013b; Rousseff, 2018). However, it is important to recognise governments' power to implement regulation policies that can also shape or censor the information around state interests. The reason for this is to contextualise the conflict between state media regulation and the public interest. While governments claim that regulation is a way to guarantee that the news media serve the public interest, them having this power conflicts with the news media's role to do so, especially when serving the public interest means engaging with reporting that scrutinises the government. This could potentially put journalists' independency and freedom in the reporting of political news at risk.

Abbasi and Sharqi (2015) provide a definition of censorship that encapsulates the reasons why governments would make use of it: "censorship is used to officially control and suppress any expression that can potentially jeopardize the order of the state. Historically, censorship has been used to monitor public morals, to control public awareness, and to silence opposition" (p. 3). In other words, censorship is rooted in the need to maintain national security, social stability and appropriate behaviour.

Government censorship of the media can be seen as a response to the media's role as a counterpart to power, as mentioned earlier in this text. In the Latin American context, strong censorship has been applied by past authoritarian governments and dictatorships.

However, even in contemporary democratic systems, there have been government actions considered to carry features of passive censorship. These include: unclear guidelines on the government's financial resources to create and publish their official communication, as well as inconsistent information regarding media channels' obligations and rights whenever the government requires to broadcast any content through them (Asociación por los Derechos Civiles, 2010). The background of media censorship in Latin America raises questions in terms of the extent to which governments can have transparent and fair processes in the assessment of quality information. Especially, when that information involves the investigation of dishonest practices by those in the same government that is in charge of media regulation.

The Concept of Truth in the News Media

Strongly connected to the news media serving the public interest is their responsibility to not only report diverse, but also factual, accurate and reliable news (Bardoel & Brants, 2003). Specifically, the news media's strengthening of democracy does not only rely in their unrestricted ability to report the news, but in reporting them truthfully. In this regard, it is necessary to look at scholarship regarding the concept of truth and its relevance in news reporting.

Giralt (1998) describes the truth as "the reality of things" (p. 62) and explains that it is something that needs to be sought. In his work, Giralt believes that the nature of men is to do good, and that in actively learning about their surroundings and sharing their knowledge as faithfully as they can, they are achieving their natural tendency to do good. In this interaction between people and their surroundings, reality is approached from two perspectives. One perspective sees reality as things that are intrinsically true and does not depend on human interpretations of their meanings, for instance, meanings that result from biological, chemical or physical properties. Another perspective looks

at reality as a social construction of meanings that are socially agreed upon, for example, agreements on the value of money (S. Ward, 2015).

In defining the truth, Rorty (2000) also sees it as a collective concept, which refers to anything that people decide to agree on. On one hand, some might think that this can lead to the delay of the discussion of important issues. On the other hand, a more optimistic view is that the points of disagreement signify relevant concerns, which will lead their debaters to conduct more research in order to back up their views. However, McBride & Rosenstiel (2014) warn that the concept of truth is usually confused with consensus. As an example of this, they point out the reporting of homosexuality from a health perspective, which in the past was treated as an illness and supported by alleged facts. Big activist movements protested against this diagnosis by arguing that it was discrimination disguised as clinical knowledge, which led the American Psychiatric Association to re-evaluate the topic and change their advice (p. 23). This case shows that in public communication, consensus might overshadow the truth itself, leading to 'a code of truth' generally rooted in cultural codes, traditions and beliefs that characterise different communities (Shipunova et al., 2017). In their critique showing this confusion between truth and consensus, McBride and Rosenstiel believe that there is a conflict between facts and beliefs as it is not easy to convince people to replace their beliefs with new information. In this situation, the assessment of truthfulness may be challenging unless there is care to separate out intrinsic truths and agreed ones (S. Ward, 2015).

Having discussed different appreciations of the concept of truth, it is important to understand how the truth fits within the diverse and unique journalism environments. Here, the key idea to consider is that 'reality' in the news, especially in political

reporting, is a non-absolute concept most likely shaped by the journalists' context, culture and self-perception of themselves as professionals (Oller et al., 2017).

The normative views of journalism see its credibility and value for the public in the notion that its practitioners verify the truthfulness of the news (Hermida, 2012), which in practical terms translates to the reliability of sources used and separates the information given by news media outlets from any other published data, making the former more professional and trustworthy (Mcbride & Rosenstiel, 2014). This method, however, is not strictly concrete as in the news making-process there is always new information. Here, the journalists' instincts and judgments are key in order to be able to assess evidence and create robust and trustworthy pieces by selecting information that contains strong, relevant and verifiable data. However, the idea of working toward the truth in the news media is challenged by some who recognise the different interests, roles and stakes that are at play in their institutions. Specifically, the mix of people who make a business of the news, with those who want to share ideas, and those who want to look after certain interests, leads to different appreciations of what the truth looks like in the news, as well as their modification of it to fit the way their creators and/or their readers see their reality (Giralt, 1998, p. 69).

As well as the absence of false information, the concept of truth also involves the presence of complete information, which in delivering the news may be more complex than it may seem. In this sense, a main issue that stands out when looking at reasons for not having complete information is self-censorship. Croteau and Hoynes (2006) see self-censorship as individuals refraining from publicly expressing something due to, amongst other things, fear of reprisal by others. In this sense, the most commonly discussed reason is that many news media outlets may have to align with powerful groups who own them, including both private owners and governments. As a

consequence, journalists are not likely to publish relevant information that might represent conflicts of interests for their employers, which would put their jobs at risk.

In this regard, Belloc (2002) affirms that the current situation in the news media allows constant manipulation of the news and the diminishing of the truth. He emphasises cases where the news media are mostly owned by only a handful of powerful business groups. It seems unlikely that media tycoons, considering their capabilities as information disseminators, will not use their resources to defend their interests or the interests of those close to them, which opens the possibility that the information published can be handled in ways that benefit a few over the majority (Hallman, 2019). Even though journalism's emphasis is on providing the audience with all the information necessary to make informed decisions, journalists face practical constraints which are the result of political and economic elites defending their interests.

Similarly, public-funded media also seems to face challenges that compromise the reporting of truthful information. Specifically, in the Latin American context there is scholarship arguing the presence of links between public-funded media and the government (Chavero & Oller, 2014). The hierarchy structures where governments administrate public-funded media, plus the assignation of funding, which is also managed by governments, are factors that contribute to an atmosphere where journalists may feel subjected to meet the government's interests in their publication of news. This could lead to situations where truthful information that does not fit said interests may be omitted or partially censored (Levendusky, 2013).

However, the journalists' own perception of their roles and capabilities in their work also play a role in whether the news being created is pursuing the truth or not. In this sense, these perceptions are not only affected by structures of power, but also a variety

of contextual factors, amongst which are the presence of media regulation and the unique values and beliefs seen as important in a specific journalism culture. In Ecuador, for instance, a country with media regulation, Oller et al. (2017) found that journalists saw themselves as reporters of reality, and perceive work fairly unaffected by pressures from media owners. Though, they found the country's law to be a challenge for them in exercising their work freely. These perceptions suggest that, even though in theory there are structural issues that are seen as negatively affecting the news and how they are reported, the diverse environments of the journalistic community might reflect different perceptions.

Bias and Objectivity from an ethical perspective

In the reporting of the news, there are internal as well as external attempts to mandate the social and ethical responsibility of journalism to serve the public interest and report truthfully. Internal attempts being the journalists' perceptions of their role as serving the public interest by providing truthful information that causes useful debate, and external attempts being frameworks and regulations that aim to ensure acceptable practices and accurate and reliable content for the audience. Amongst the external regulations for journalistic work, objectivity is a significant ethical principle considered in the reporting of the news. The meaning of objectivity has been the subject of debate in terms of whether it is a feature that can be seen in published news texts, or a method in the approach to news reporting. Here, it is important to consider that the different perceptions on this topic may be shaped, in part, by the different journalistic cultures and media contexts. For instance, in Ecuador, although journalists' respond to this and other universal core journalistic principles such as facticity, fairness and contrast (Ethical Journalistic Network, 2020), they interpret their meanings according to specific

situations and their own media and political context (Odriozola-Chéné et al., 2016; Oller et al., 2017),

Objectivity is an important part in the ethics debate as it deals with the extent to which news articles are influenced by the journalists' political beliefs or not, which is known as bias. This has been a well explored area of research where many experiments have sought the extent to which journalists' beliefs affect their news reporting. In American journalism, for example, Patterson (1996) found that when reporting on an air quality situations, left-centred journalists emphasised more the improvements needed to improve air quality, whereas right-centred ones focused on the financial cost of maintaining it. As well, Darling-Hammond et al. (2020) examined coverage in relation to Asian Americans at the start of the COVID-19 pandemic and found that the reporting referred to the virus as *China* or *Chinese* virus, which is seen as a factor that could contribute to the stigmatisation of Asian communities. Several more examples can be found in other fields, such as the media coverage of fracking in the US by Gearhart et al. (2019) or the reporting of cancer research in the US, UK and Australia by Amberg and Saunders (2020).

In terms of politics, the definition of bias can vary when political structures are not the same. From one perspective, objectivity in the news is linked to neutral and balanced coverage of the two most relevant sides, for example, two dominant political parties, or the main opposition party to an official party. In regions with more diverse political spaces, though, balance in the news centres around the newsworthiness of events, usually involving relevant political figures, and giving the same amount of space to every candidate during elections (Hopmann et al., 2012).

Arguing the need to avoid biases being shared to the audience, Schudson (2001) describes the agreement amongst journalists and audience on objectivity being part of the reporting of news, which consists of separating their ideologies from facts. The objective journalist, unlike the partisan (biased) one, reports the news neutrally without adding their personal comments or shaping them in any way. However, more recent scholarship sees objectivity as a complex “performance” in journalistic work (Blaagaard, 2013, p. 79). This performance is composed of a set of practices, including facticity, neutrality, the absence of interpretation, and fairness, which together, are meant to build truthful reporting.

The idea of neutrality has been critiqued by South American scholars as they argue that it is impossible to obtain given every person’s set of values and beliefs. In this regard, they believe that the value of journalistic work lies in journalists’ commitment to serve the public interest. In other words, in providing information that reflects their alignment with the needs of the citizens rather than powerful groups (Sussman & Santillán, 1986). Nonetheless, they recognise the challenges in this approach as the high inequality in the region requires journalists to be aware that a middle ground between the interests of the system and those of the citizens is highly unlikely (p. 32).

Other scholarship does not see objectivity in journalism as a dualistic concept and offers another approach that, even though it may not fit the act of a neutral, detached and disinterested reporting of *just the facts*, can provide the audience with a deeper understanding of the topics reported. Maras (2013) likens the notion of objectivity to neutrality and suggests that pretending that a journalist’s work must abide by objectivity is not possible as part of the job itself has to do with judgements and interpretations of reality in a certain way. In order to make choices on what to publish and who to interview, Maras argues that journalists will be influenced by their own

values, but if objectivity were a withdrawal of values, that would make the decision-making process more difficult. With this in mind, he values 'active' objectivity, which he says incorporates the journalist's subjective features without compromising on the use of factual, verified and balanced information (p. 123). In an attempt to include this kind of objectivity in the current newsroom model, Robinson and Culver (2019) propose a model where objectivity is "an obligation to interpret important issues for and represent the voices of the entirety of their communities" (p. 379). They agree with Maras that this can be done by creating texts where evidence, context and the diversity of voice are still priorities.

Gans (1979) agrees that it is not possible to be a journalist without values; however, he sees objectivity as part of the news-making process rather than a reflection of the finalised story. Similarly, Ward (2015), considers that in professional journalism, objectivity is the method to overcome bias. It is not possible to be unbiased, but it is possible, with an objective approach, to gather evidence and report events. He claims that the best that journalism can do is give audiences the necessary information to communicate amongst themselves, allowing them to be self-governing. Ward warns that biased journalism affects its own foundations as, by publishing exaggerated, sensationalised and low quality stories, it works towards other interests than strengthening democracy (p. 261).

Oller, Chavero, Ortega, et al. (2014) observed this interaction between objectivity and journalists' beliefs and values in the Ecuadorian journalist community. They examined how journalists in this country viewed objectivity from two perspectives: objectivity as an ideal and as a method in their work. In their results, they highlight journalists' belief that the news show complexity and that published news texts cannot reflect objectivity. However, they do see objectivity as one of their methods in their work, which means

telling factual news, avoiding subjectivities, being as close as possible to the facts, using the most reliable sources possible, and offering a balance to the parts involved in the news. This approach to objectivity as a method in the journalistic work is also noted in earlier work by Tuchman (1972), suggesting that these practices seem to be normative in journalistic work, and though pragmatic, they are subjected to contextual features. This demonstrates the importance of examining journalistic concepts in specific contexts as the way they are approached is likely to be different in each situation. In Ecuador, for example, the context is affected by government intervention, media legislation and other state regulatory bodies for journalistic work.

Ethics in the newsroom

Even though there are appreciations of how journalistic ethics should work, this is a subjective concept that may differ depending on the context where they are applied. In this sense, the practice of journalism usually involves meeting ethical expectations as well as professional standards that aim to fulfil the role of reporting the news truthfully, serving the public interest, as well as creating factual, verified and balanced news pieces (Villamarín-Carrascal, 2013).

Here, it is important to note that regardless of the media system a journalist is working in, their ethical approach to the news-making process is likely to be impacted by their own interpretation of reality, which is, in part, shaped by the culture surrounding their newsrooms. In this sense, newsroom cultures are also affected by the country's social and political context, including any regulatory policies present.(Chavero & Oller, 2014). In other words, even though there are media structures that play a role in how the news is made, some journalistic ethical aspects may be a result of specific work cultural features and legal requirements that affect the journalists' approach to the news.

Specifically, the fact-based, fair and balanced journalistic model, which is present in South American codes, requires a deeper look into more personal processes regarding the journalists' own subjectivity and values, as well as their interaction with their newsrooms. In past incidents involving unethical journalistic practices, explanations stated that those who committed them acted on their own, disregarding the newspapers' ethical requirements. This implies that, even though there is almost complete agreement on being ethical (Oller et al., 2017), journalists are able to make decisions that do not necessarily synchronise with what their workplaces consider ethical (Wyatt, 2014).

Even though at present, journalists' jobs generally take place within big economic and political structures (Young & Carson, 2018), some scholars emphasise the individual duty to be morally aware of stories and how they affect the audience. This means that if a journalist does not feel comfortable with practices they do not find ethical, at minimum they should be guaranteed the option to quit without any punishments (Wyatt, 2014, p. 15). However, these arguments seem to simplify a rather complex situation as newsrooms function in a co-dependent way where journalists, editors and owners need to come to agreements in order to increase revenue and maintain the newspaper's credibility (Sanders, 2003). These agreements also translate to the creation of work cultures that lead to the involuntary creation of standards in terms of ethical actions that, to an extent, also reflect specific conditions under which their work is done, such as regulatory policies or high tensions with the government (Chavero, 2015; Chavero & Ramos, 2019). As a result, it is fair to think that journalists will eventually fit their co-workers' ethical views on how to approach the news based on context factors and a perceived sense of freedom. Those who disagree would not fit the culture, which could lead to conflicts and pressures as a result of their questioning of culturally agreed ethical behaviours (Wyatt, 2014).

The potential disagreement amongst journalists in terms of ethical reporting suggests the need for alternative approaches to the news-making process. However, Harcup (2013) notes that newspapers' hierarchical models, where decisions are taken on an employer-employee basis, does not provide an environment where journalists can be self-reflective and critical of themselves in terms of their work. By mentioning one of his experiences working at a newspaper where editorial decisions were made in group discussions amongst the journalists, he argues that it is important to create an atmosphere where all the members feel safe enough to speak out their disagreements or different views regarding the newspaper's editorial line and ethical views (p. 122). Nevertheless, in the cases where agreements are not possible, or journalists feel that their work may lead to negative consequences in terms of their job security or potential retaliation, other actions may serve as a way for them to resist certain pressures. These include finding ways to publish their slightly modified story or asking their colleagues in other news media to publish what their own media are not willing to (Henao-Bedoya & Barredo-Ibañez, 2019).

In the end, what some scholars see as important to consider is the journalists' own roles as citizens too. This means that even though they have managers or belong to a specific news media institution, they may not necessarily agree with their employers' views on acceptable views and actions. For this reason, it is crucial to find a way to reconcile what is expected of them as journalists and their freedom of speech. It seems that there is a need for environments with self-reflection channels in order to allow journalists to make sense of ethical behaviours, such as truthful and objective reporting, as well as serving the public interest considering the context where their reporting takes place.

Reporting of political scandals

In this literature review, political scandals are necessary to explore as they signify moments in which journalists need to make decisions on whether a certain political action goes against moral standards and deserves to be reported, or not. For an immoral action to turn into a scandal, it needs to be secret, it needs to cause offence to others, it needs to be denounced publicly and it needs to damage the reputation of those committing it (Thompson, 2013). The idea of publishing a secret action that may offend the audiences and damage the reputation of those who did it, signifies important ethical challenges where journalists need to assess the extent to which this information is truthful and serves the public interest. The reason for this is that political scandals become public by being brought up and kept in the public eye by the media (Sikorski, 2018).

Even though some scholars see political scandals as only those that involve the abuse of political power, Thompson (p. 31) argues that there are other instances where the term applies, such as acts involving sexual offences or un-recorded financial movements, the latter referring to what is commonly known as corruption scandals. In this sense, he recognises that nations with democratic systems are likely to have scandals. This is because in their political contexts, which consist of diverse political parties with opposing interests, their actors' need to maintain their reputation while also having to face scrutiny by an autonomous press.

In terms of corruption scandals, they can involve not only the use of financial resources illicitly but also undisclosed finances relevant to certain political positions and illegal actions as a product of political power. However, the process of turning any of these actions into a scandal depends on how it is perceived in terms of seriousness and

importance in the community where it happens. That perception is affected by the community's social, economic and moral standards (Protest David L. et al., 1992).

One of the ways that political scandals break out, is through investigative journalism playing its role as the fourth state, or watchdog of society. Specifically, journalists' thorough investigations into government actions often leads to the exposé of illicit or concealed activities. This demonstrates the power that the news media have in holding public servants accountable and how they serve the public interest by observing and being critical of dishonest politics (Christians et al., 2009; Waisbord, 2000).

In the South American context, Waisbord (p. 6) argues that investigative journalism is more challenging given the stronger ties that the press has to economic and political powers. These ties are reflected in the press's financial sources, which can be from private business actors or public funds and are one of the reasons that create conflicts of interest between the structures of power and the press, as the latter's duty to investigate them clashes with their need for resources. In other words, Waisbord argues that "watchdogs do not bite their owners, nor do they chomp neighbours with whom they have amiable relationships" (p. 58). This suggests that although scandals in South America do get reported, it is necessary to understand that the intentions behind them could involve motives unrelated to the sole journalistic duty of holding wrong-doers accountable. Here it is important to consider that those factors can impact the way journalists use the data gathered and how they frame it in the news-making process. At this point ethical behaviour becomes a key aspect in their approach to report news that can potentially reshape the political landscape considerably.

The Press: Its Freedom and Accountability

Media regulation has been widely challenged as conflicting with the principle of freedom of speech, partly because of incompatible idea of governments regulating their scrutiniser, as mentioned earlier in this text. Lewis and Crick (2014) mention truth seeking, self-expression and public service as the three main arguments for defending the freedom of the press, and at the same time, question it. Firstly, they challenge the press's truth-seeking by saying that it is not its only goal. They also add that in order to find the truth through the press, the necessary ingredient is the freedom of response rather than the absence of censorship, and recognise that the press, in fact, cannot overstep its boundaries. Furthermore, they also critique the press's self-expression as it is based on the premise that as long as content does not hurt others, there is no need for its regulation. This clashes with the nature of freedom of speech as its value relies in the ability to express opinions about anything, which sometimes affects other people. Moreover, this argument does not match with the press's role of serving the public. In order to be able to communicate, the press needs to produce its messages in a way that enables people's understanding and ability to use them to make decisions, which may include statements and information that might not fully reflect the audience's codes. Amongst others, these claims and the debate around them are what have ignited the exploration of policies to foster quality information (p. 35).

The main issue in the debate of media regulation lies in balancing the press's freedom of speech with its ethical responsibilities. In places with no media regulation, even though the concept of freedom of the press gives privileges and recognises that unrestricted journalism is beneficial for people, there is an absence of a counterpart that acknowledges journalistic ethical aspects and responsibilities when spreading information to large numbers of people (Moore & Murray, 2012). However, in places

where media regulation is current, the state's intervention in media channels and use of them as tools to spread propaganda has created discussions on the systems needed to create an appropriate balance for an unrestricted journalism that is also accountable for its content (Chavero, 2015). This debate has taken importance as citizen mistrust in journalists increases as a result of a perception that the news media does not report for their benefit, and are too biased or inaccurate in their reporting (Lewis & Crick, 2014, p. 95). These arguments show that even though freedom of the press is a core principle in the role of journalism serving the public interest, there is, in fact, a need to balance it with accountability in the reporting of news.

At present, the current complex media systems and journalists' work conditions have moved the journalistic ethics analysis from individual actions to consequential issues where structural pressures and newsroom atmospheres play a relevant role. Even though Moore and Murray (2012) may be right in their claim that there has been a general increase in bad intentions and malice in the news media (p. 97), the reasons for this unethical behaviour need to be explored from multiple perspectives.

A weak ethical sensibility in journalism can be dangerous for the entire field as people might begin questioning its credibility. Even though a newspaper's sales are not directly related to the quality of its information, its reputation is impacted negatively. In other words, if the newspaper is thought to be unethical or irresponsible in its publications, the audience will value its publications accordingly. On the other hand, though, ethical behaviour in journalism is not something that can be easily resolved because there are competing demands made of the work. Its application reaches different levels of difficulty depending on the parties involved in a story and its potential impact on the public (Pearson, 1997). Here, a key aspect is the journalists' self-perception of autonomy, which plays a role in journalists' ethical behaviours and

can be a result of multiple factors, including state regulation, media structures or journalistic cultures (Oller et al., 2016). Journalistic autonomy refers to the degree to which the news can be affected by the hierarchical media structures and the likelihood of journalism to be used as a political tool. Additionally, autonomy cannot be seen as a universal standard in journalism as it is a result of the different journalism atmospheres and work cultures (p. 77).

In terms of media regulation policies, they appear to be considered differently depending on the type of media being discussed. Bollinger (1976) affirms that during the debate on media regulation methods, the treatment that different kinds of media have received has been different. The discussions have mostly focused on the right of reply in a mass media channel whenever a publication is denounced as inaccurate or wrong. In some cases, court sentences have allowed this right in broadcast media with the argument that, given that its space is limited, it is not likely that everyone who needs air time is able to get it. Bollinger adds that the rationale for this is that there is a limited number of radio and television channels, the majority of which are owned by small group of people. By contrast, the accessibility of print media is not reliant on air space, which means that if a person feels the need to reply to a newspaper's publication, technically, their response will have no restrictions on length or space.

The above discussion pinpoints current normative theories surrounding the debate on media regulation. On the one hand is the news media's need of freedom to perform an adequate informative role aiming to serve the public interest, and on the other is their responsibility to carry out ethical work, which in many cases is affected by the context, journalistic culture and journalists' perception of autonomy. In the end, these issues will ultimately impact the audience as they consume and rely on the news to understand

what happens in their community and what decisions they should make in order to improve it.

Having considered key elements that can play a part in shaping the news, I turn now to discuss the literature that concerns the extent to which the news media are regulated in different contexts. Here, this literature review will focus on the media regulation theories in South America and describe the current regulatory atmosphere in Ecuador as the centre of this thesis.

Regulation vs Freedom

In order to discuss the current media regulation context in South America, it is important to have a clear image of the historic context in which media regulatory policies arose, as well as the current media regulation environment in other regions.

This will help us understand the South American political and media environment and tease out the reasons for governments to push for their current media regulation laws.

Media regulation has been present since the 1600s, when news media's only form was the printing press. In 1606, the crime of seditious libel, as a way to prevent potential disrespect to public authority, punished anyone who criticised the government or its officials. It punished more severely the truthful criticism than the false one as the first was more damaging to the government and the Crown. Later the Printing Act of 1662 allowed the British government to decide what would be published and who was allowed to print it and sell it (Koltay, 2014).

Regulation was also present in American colonies, where it was required for the news media to be licensed and controlled. In South America, even though there is not much literature around early media regulation policies, the situation was not too different as the Spanish Crown had interests in inhibiting any information that newspapers

published against it. The reason for this is that most print media owners were political leaders who often advocated for independence (Lent, 1978).

In terms of content, the development of media regulation is visible in cases of defamation and privacy. Internationally, this has been a common issue in print media and settlements have resulted in large pay outs. At the start, privacy and defamation lawsuits involved newspapers and celebrities or other public figures as during that time, celebrity and entertainment news were hot topics amongst an audience that lived in reduced conditions. Today, defamation is generally treated under the legal term of *libel* when it happens in written form and *slander* when it is in the form of spoken word (Pember et al., 2000). These kinds of torts involving issues between individuals generally provide clear expectations to decide whether a media product has injured someone, such as explicit lies or accusations that the affected party can prove. However, state regulation policies present bigger challenges for the news media's ability to report issues of public interest given the systemic approach to their content and measures to make them fit certain parameters.

Media regulation has taken many forms that go from highly regulated to lightly regulated contexts, such as regulatory policies in Middle Eastern and Asian countries to those in Western nations. In Bahrain, Kuwait, Saudi Arabia, Oman, Qatar and the United Arab Emirates there are defamation laws that include criticising the head of the state as a crime. They also recognise cybercrime, which includes the dissemination of false news, defamation and criticising the head of the state in digital media. These are treated under the criminal code and can lead to arrests and imprisonment (Duffy, 2014). In China, even though the constitution guarantees freedom of speech and the press, there are many regulation bodies that decide on what is and is not dangerous

information. They have the authority to block websites and censor information that they classify as harmful to the state (Xu & Albert, 2017).

In contrast, western countries generally do not have such strict policies regarding media regulation. In Iceland and Finland, freedom of speech is guaranteed, except when a person uses it to denigrate the doctrines of religious groups (Meyers, 2010). In the US, the First Amendment prohibits any kind of government regulation for the freedom of speech or the press (*The Constitution of the United States*, 1787). The only department that involves media regulation is the Federal Communications Commission, which is in charge of assigning frequencies from the radio spectrum to different broadcast and radio outlets. This department also prevents any indecent content being shown in American media, such as pornography or gore (2017). The United States, as well as most Scandinavian nations, are typified as liberal models by Hallin and Mancini (2004), where the media are characterised as being neutral, commercial, autonomous, self-regulated and market dominated. Here it is important to note that, as Chavero (2015) points out, Hallin and Mancini's work does recognise that in categorising media models, they are aware of the specific media features of each country and do not suggest homogeneity amongst them. Additionally, this work does not include the South American region.

In the United Kingdom, the press regulator at the moment is the independent organisation, Impress, which was created following the News of the World's phone-tapping scandal. It claims to protect journalists and work for the audience's interests ensuring that the news media follow ethical guidelines (2017). In addition, Ofcom is a body of the state that regulates the programming in TV broadcast and radio by censoring any offensive material and promoting variety (2017).

These regulatory systems have tools designed to address specific cases that may harm the audience, such as libel and slander, invasion of privacy or inappropriate content. In this regard, Koltay (2014) focuses on the relationship between the news media and the government and defends the free press by arguing that they should be protected as they are a channel for the citizens to give feedback and purge their anger or discontent with governments. It also promotes the diversity and debate of ideas. Political satire, for instance, is meant to relieve citizens' unhappiness regarding their government, allowing them to regain confidence to keep trying to have their demands acknowledged (Torres 2016).

Baker (2006), who advocates against media concentration, emphasises on the regulation of ownership. In this situation, the objective would be distributing ownership in order to reallocate the media's communicative power. In theory, this would lead to a more public-minded media ownership that prioritises quality information rather than profits, playing a more genuine role as a democratic safeguard. However, Candeub (2008) looks differently at regulation and suggests that it should not address ownership but rather content, as the diversity of ownership does not guarantee a diversity of ideas. He recognises that the media's role is to make it easier for people to be assured that government officials act in their interests. For that to happen, a key aspect to address is the improvement of media structures that focus on the news happening in their own local areas and politicians.

Theories about regulation in South America

Some of the most significant scholarship considers media regulation in terms of broadcast content and the distribution of licences to TV and radio channels. In this regard, Mestman and Mastrini (1996, p. 13) begin their discussion with the notion that in capitalist economies, private media structures naturally tend toward conglomeration

of ownership (Garnham & Locksley, 1991). In this case, considering the idea that media is a channel for citizen participation, theoretically, the state would be better suited to guarantee the fair distribution of media channels. However, in this argument they recognise that any state policies involving media regulation need to be a result of, and applied along with civil groups and organisations. This is because it would guarantee citizen participation not only in the creation of media distribution policies, but also other aspects of media regulation, such as content creation and practices (p. 82).

In discussing the private and state ownership of media, Mestman and Mastrini take as reference the creation of public media in Europe. At first, the creation of public media was supported by the industrial class, who looked at this as an opportunity to increase sales of media appliances, such as radios or TVs. However, public media ended up representing an opposite approach to the free market approach, where there was a wider opening to active citizen participation guided by the parameters of “informing, educating and entertaining” (p. 83). In this sense, this model of public media worked as a tool that offered a different perspective from that seen in for-profit private media. In the 70s, Latin American nations also pushed for public media systems based on UNESCO’s McBride report, which proposed the redistribution of information channels in developing countries. Here, Costa Rica’s implementation of public media systems stands out as one of the few cases where it resulted in increased citizen participation and access to media content. However, this attempt was not as successful in other countries, where public media frameworks were influenced by authoritarian governments and dictatorships. In the 80’s, a growing trend in favour of the free market and non-intervention of the state in public services also included the ownership of media. In this regard, commercial groups that in the past did not own media, now were

seeing them as a “dynamic sector that allowed them to make profit using income from other businesses” (p. 85), which resulted in a high number of privately owned media.

In more recent scholarship, Marino et al. describes the regulation of broadcast media by highlighting the their need for the radio-spectrum frequencies to broadcast their content, which is humanity’s patrimony and does not belong to either private owners nor states (García, 2016). He believes that it is necessary to regulate them in order to guarantee that their content aims to “find a balance that allow the functioning of democratic rules considering the commercial possibilities in the media system” (p. 23).

However, as Natanson (2010) points out, media regulation theories have been quite centred around the regulation of ownership and the distribution of radio-spectrum frequencies. In regards to journalistic practices, the scholarship mainly shows self-regulatory ethical codes at national and international level. These include UNESCO’s 1983 principles of journalistic ethics, which recognise the requirement for journalists’ to have a high level of integrity in their work. As well, several journalist associations in Latin American countries, such as Chile, Ecuador, Bolivia and Colombia, have adopted regulatory frameworks that recognise journalists’ ethical principles and moral duties in their work, as well as newspapers’ requirements to let their journalists to act with as much autonomy as possible (Chavarría, 2011).

In the 2000s, left-wing governments in South America built on media regulation theories developed by scholars from the region. Highlighting the high number of privately-owned media organisations, these governments included this issue in their agendas and argued for the need of policies that prevent media conglomerates. In this regard, Ecuador’s new government in 2007 went one step further by adding to its discourse the need for systems that held journalistic practices accountable (Martens et

al., 2014). In this context, perhaps the main issues in the South American media regulation debate, though somewhat polarised, are best described by Sorj (2012). He argues that on one side are governments who, under the argument of diversity of information and citizen participation, enacted laws that mainly reflected their political interests and have served as tools to suppress journalistic work against them. On the other hand, he says, are private media organisations who, appealing to the principle of freedom of expression, have neglected structural problems of media conglomerates and the use of media channels for particular objectives.

However, news media institutions are complex systems that deal with a larger range of economic and political factors than just political fights for power (Marino et al., 2010). In this regard, their impact in their communities needs to be acknowledged from these two perspectives. Politically speaking, even though the news media may not contribute to decisions in the public debate, they do work as a channel that strongly suggests what issues need to be discussed and who to include in those discussions. Here, it is important to note the role of community media, which from a more focused perspective on specific communities, contributes to the public debate by highlighting issues and needs that would, otherwise, be ignored by mainstream media (Milan, 2006). In terms of economics, the business features of news media institutions tend to become oligopolistic as a result of their high production costs and inconsistent income, which generally results in various media channels being owned by a small number of people (p. 18). The financial struggle of the media is also noticed in community media who, given their small sizes and usual dependence on state funding, tend to face problems relating to sustainability and resources (Buenaño et al., 2017).

Furthermore, Ordóñez (2013) provides another perspective on media regulation. He believes that the creation of media regulation policies needs to be founded in the social

responsibility of both journalists and state towards the benefit of the citizens. Specifically, media regulation should encourage the journalists to get involved in reporting not only as newspapers staff, but also as part of civil and non-profit organisations. As well, media regulation should prioritise the citizens' interests by providing information that highlights their needs and encourages them to be critical of their social and political environments.

Chavero and Oller (2014) examine the debate on media regulation from a perspective that acknowledges local and international views on freedom of speech, and the need for independent regulatory systems. First, Chavero and Oller argue that in order for media regulation to work, it needs to be administered by institutions with transparent processes that are clearly independent from the government. Additionally, these regulating bodies should also be subjected to scrutiny, ideally by independent institutions capable of making decisions without political influence. Second, these authors believe that any national media regulation policy needs to also acknowledge and comply with international statements regarding the media and freedom of expression. For example, the Declaration of Principles of Freedom of Speech by Inter-American Commission of Human Rights (2000), which stipulates that no person is to be punished as a result of the dissemination of opinions or information.

These theories on media regulation show different perceptions on not only the news media's responsibility to provide information that feeds the public debate, but also the constraints of creating a regulatory framework unlikely to be affected by political factors. Specifically, the idea of holding the news media accountable for the publication of information becomes challenging when it involves general journalistic practices as opposed to specific actions, such as inappropriate content or defamation. This is

because regulating general practices seems to directly conflict with international statements on freedom of speech and information.

Additionally, the media regulation debate also requires an understanding of how regulation interacts with journalistic cultures. While the research in this thesis focuses on Ecuador and its regulatory framework, it is important to this discussion to consider the contextual factors in the South American region that play a role in the way the news is presented, as well as the approach that journalists have in the reporting of sensitive cases. These factors need to be acknowledged under the premise that, even though they share some common characteristics, Latin American countries are culturally, socially and politically diverse. This means that their journalistic cultures and media regulation policies also respond, and can only be examined in relation to their unique contexts (Becerra, 2014; Chavero, 2015). Therefore, this review first gives an overview of the South American general media features before focusing specifically on the Ecuadorian context in terms of its current media regulation policy and journalistic culture.

South American media context

In the contextualisation of South American media features, it is worth remembering Chavero's (2015) critique of Hallin and Mancini's (2004) descriptions of the patterns in different media systems. She highlights, firstly, the authors' disclaimer that even though their work attempts to find patterns that allow for the categorisation of media systems across different regions, they do not conclude that they are identical. Secondly, Chavero also points out that their work does not include the Latin American region, raising questions in terms of how it varies from the systems categorised.

In this regard, even though there is diversity across the South American media context in terms of journalistic cultures and contexts, there are some features that, to an extent,

could be attributed to the region as a whole. For example, the high proportion of private media, often featuring conglomerates, and the governmental use of public-funded media, where there are strong signs of government intervention and dissemination of official propaganda. Other examples are the concentration of media content in big cities, which leaves out the representation of smaller and country-side communities, and the lack of channels for journalists to be able engage in discussions around editorial decisions and reflect on their own journalistic work. (Becerra, 2014; Chavero, 2015).

Additionally, political instability, the politicisation of the media regulation debate and the influence of western systems, are also regional factors that have played a role in shaping the different journalistic cultures in Latin American countries. In this regard, the discussion of media regulation policies could be seen as anchored in political ideologies rather than citizens' needs, which has resulted in the creation of policies criticised as not prioritising the public interest. As well, journalistic concepts, such as objectivity, the public interest or the ideal of reporting the truth, seem to also respond to specific reporting situations where journalists interpret them accordingly (Martínez, 2013; OBSERVACOM, 2018; Oller & Barredo-Ibañez, 2013).

Ecuador's journalistic culture and the Communication Law

Before Rafael Correa took office, Ecuador's journalistic culture was marked by a large number of private media outlets that were the property of commercial groups in a political atmosphere characterised by coupes and permissive legal codes (Checa-Godoy, 2012, p. 126). In this regard, a significant challenge in the exercise of journalism in the country was that all media was managed by powerful groups, which was argued to have resulted in the use of the news media in benefit of particular interests over the public (Abad, 2009).

In 2007, Rafael Correa became president with a discourse that criticised the economic and political powers at the time, including a media context strongly concentrated and privatised. In terms of media policies, Correa's discourse translated into the creation of public-funded media referred to as *medios públicos* [public media], which started with the creation of three main state media outlets, a TV channel, radio station and newspaper (Carrillo, 2019). Eventually, this media network grew and included several other small digital news channels. Though, the most representative communication channel that this government made use of was Correa's weekly TV appearances called *enlaces ciudadanos* [citizen links]. Even though these spaces were meant to be about weekly summaries of the government's activities, scholarship notes that eventually, Correa's would make use of them to criticise the private local media and undermine reporting against his government (p. 8).

In an atmosphere of pronounced government animosity towards the private news media, Correa's clear intention to modify the media context in Ecuador was reflected during the drafting of a new constitution previously approved via referendum. In this new document, information was recognised as a right, which is thought to be the factor that led to the process for the creation the Communication Law (p. 10).

Chavero (2015) argues that the Ecuadorian Communication Law is a product of a process that, in principle, was not a product entirely from politicians nor civil organisations. Specifically, even though the debates around this law and its content contained input from academics and NGOs, in the end the final bill was debated and voted for in a political environment with clear ideologies and interests present (Chavero, 2015, p. 13; Ramos, 2010). Furthermore, in the process of this law, Ramos argues that even though there was a strong government communication about the

supposed intention of this law to benefit the citizens, there was little space for them to actually express their thoughts on it (p. 30).

Political agendas were arguably reflected during the process and approval of this law, which could have somewhat impacted the way journalists perceived it. For example, shortly before debate took place in the parliament, Correa's Government brought back a paper tax for newspapers, which they were exempt from in the past. As well, this law also gave the government regulatory powers, such as regulating the ownership of media, published content and journalistic practices (Chavero, 2018).

In this sense, perhaps the most relevant aspect of this law is that it stipulates legal requirements regarding ethics and the quality of journalistic content. These features have been widely discussed by scholars due to the varied claims about the significance of this law. The significance lies in the heavy restrictions and potential constraints on journalists' freedom of speech (Viveros & Mellado, 2018). These claims are mainly founded in the power that this law gives to the government to implement systems that oversee the media's compliance with this law. In this sense, the discussion revolves around the potential politicisation of the law and how that might affect journalists' freedom in the reporting of news, especially when these involve scrutiny of the government (Chavero, 2015; Estrella, 2013; Ramos, 2010).

Amongst the articles of the law that regulate journalistic practices are 10(3a) (3b) (4e) (4f), 18, 25 and 27, which regulate journalistic ethical practices and the reporting of legal cases:

- Articles 10(3b), (4e) and (4f) state the media must not intentionally omit or distort the information, maintain coherence between headlines and their content, and distinguish between news and opinion pieces (p. 3).

- Article 18 defines prior censorship as the deliberate and repeated omission of pieces of information of public interest. It also prohibits any prior censorship carried out by any person, who amongst their responsibilities is revising, approving and rejecting news pieces, to benefit themselves or third parties (p. 5).
- Article 22 defines verification, contrast, precision and context as parameters for the publication of information of public interest (p. 6).
- Article 25 states that the media are not allowed to take an institutional position regarding ongoing judicial affairs and assigns the Superintendence of Information and Communication as the government body to issue sanctions regarding this matter (p. 6).
- Article 27 determines the conditions under which the news media, including newspapers, have to treat the reporting of ongoing judicial affairs (p. 7).

Additionally, this law also divides the radio-spectrum into three equal parts for private, public and community media. In this regard, Anderson (2018) argues that the Ecuadorian Communication Law intends to establish a regulatory framework that decreases media conglomerates. In terms of practices, Carlos Ochoa (2014), head of the Superintendence of Communication, has stated that before, media outlets could make up untrue stories about people without any accountability. As well, if something published on the front page was proven to be false, the newspaper's apology would not be given the same priority. He adds that media are like any other power that needs to be controlled, contrary to the claims from major media outlets arguing that self-regulation is better than state one. Ochoa's comments show an argument that sees truthful reporting as something that can, in fact, be overseen by state regulation. However, it also raises questions in terms of how truthful reporting is understood amongst the government and journalists, which in case of differing perceptions, could lead to

different interpretations from both sides on how lawful certain news texts are (Martínez, 2013).

The potential discordance between government and journalists' interpretation of the lawfulness of news texts is acknowledged by media observers. They argue that there are articles that go against responsible journalism practices and point out that investigative journalism becomes compromised, because any reporting of government corruption can be labelled as non-factual or a media attack, both sanctionable by the law (OBSERVACOM, 2018). It is also claimed, as noted earlier, that the legal imposition of ethics in journalism goes against international policy stating that people cannot be punished for expressing information and opinions (Inter-American Commission of Human Rights, 2000).

Journalistic culture at the time when the Communication Law was current

According to Chavero (2015), the uniqueness of journalistic cultures is often linked to their current regulatory policies, which suggests that Ecuadorian Communication Law played a role in re-shaping Ecuadorian journalism into a regulated environment that led to clear tensions between private media and Correa's Government. Therefore, it is necessary to explore whether this law, after its enactment, reflected itself in the journalistic community or the public. The following information provides insights into the public's perception of the news media's credibility, as well as a description of the Communication Law and the journalists' perceptions of their roles while it was current.

Rodrigo-Mendizábal (2016) investigated the public perception of the Ecuadorian news outlets from 2008 to 2015, two years after the Communication Law was enacted. In 2015, he found that broadcast media was perceived as most credible at 91.5%, with newspapers being second at 69.7%. Even though these specific percentages show a

minimal decrease from 2014, overall, there is an increased sense of credibility in the news media since 2009. As well, it is interesting to see how participants in this study cite specific factors that they see as measures of credibility. These are independency, honesty, preciseness, balance, transparency and objectivity (p. 670). These results raise questions regarding Correa's government's criticism on the news media as it seemed that the citizens had opposing views. On the other hand, it is necessary to acknowledge the extent to which these results reflect the perception of all the groups in the country. The variables of this study, such as the locations where the research was conducted and the number of participants (p. 664), certainly cannot be generalised and applied to, for example, isolated and small communities.

In terms of the Ecuadorian journalistic culture, even though there is not extensive research in this area, significant studies during the time the law was current were conducted by Oller et al. (2016) and Oller et al. (2017). In their study looking at how free Ecuadorian journalists perceived themselves in terms of their work, Oller et al. (2016) found that the majority felt that they had a lot of freedom in doing their work in news media outlets, as well as being able to make decisions on work-related issues. Specifically, they did not feel pressure coming from the newspapers' owners or managers, rather, these journalists saw the law itself as the main obstacle in their work. These findings suggest that journalists' perception of freedom in their work is not a direct result of who owns the media, but a complex dynamic where the relationships between journalists, managers and owners guide a collective perception of the freedom in the reporting (p. 77). In this case, the Communication Law and the regulatory attributions that it gave to the Government could have been perceived as an overarching situation that affected newspaper workers collectively.

In terms of how Ecuadorian journalists see themselves as professionals and how they perceive their role, Oller et al. (2017) found that they see themselves as “interventionists, both in favour and against government and its policies” and reporters of “things as they are” and “analysts of current issues” (p. 40). Moreover, Ecuadorian journalists also see themselves as adhering to ethical codes regardless of the nature of the news (p. 44). However, in practice, Oller, Chavero, Cevallos, et al. (2014) have also noted that journalists make ethical decisions based on each news situation. This means that the context of the news plays an important role in the journalists’ perception of what an ethical approach to the news is. In these cases, each journalist goes through a process where they assess their own situation against what they are reporting and the ethical viewpoint on the issue. However, here it is worth remembering scholarship that recognises the media ownership environment in Ecuador, where most of the media belonged to less than ten commercial groups (Albán Gallo, 2016). This environment raises questions in terms of the extent to which the private media ownership shapes the newsroom culture and journalists’ perception of freedom in their work. As mentioned earlier in this chapter, the involuntary and collective creation of a work culture may also contain collective perceptions of where pressures to their freedom come from (Wyatt, 2014).

These studies provide an insightful appreciation of the Ecuadorian journalists’ perception of the Communication Law, as well as their own appreciation of their roles and how they consider ethical codes in the reporting of news. It seems that the media regulatory framework in Ecuador is perceived as an inhibitor to the journalists’ autonomy in doing their work. This could be a result of the power that this law gives to the government to regulate and decide the lawfulness of content. Additionally, it is

interesting to see that context and specific situations play an important role in the journalists' consideration of ethical codes and how they apply them in their reporting.

The background on the debates surrounding media regulation, as well as the description of the Ecuadorian media context and journalistic culture, have provided a grounding for the analysis of the Ecuadorian media environment. In this review, some relevant points of discussion surrounding journalists' accountability and their perception of freedom have stood out. First, there is a clear conflict that state media regulation presents as the government scrutiny of journalistic practices is naturally incompatible with the journalists' role of holding it accountable. In this regard, it is important to examine the extent to which, in practice, the current Communication Law works in contributing to truthful news reporting that serves the public. Specifically, when the reporting involves politicians who, in the past, were part of a Government that openly criticised local journalism. Moreover, in an environment with a background marked by clear tensions between the news media and government, it is necessary to investigate how journalists consider the Communication Law in their sensitive political reporting. Second, even though newsrooms present collective perceptions of freedom, it is useful to understand whether these perceptions change in moments of highly sensitive political reporting or not, as well as the extent to which media structures affect the news reporting. This thesis aims to cover these discussion points by carrying out in-depth research on the role of the Ecuadorian Communication Law in the reporting of a political scandal involving a left-wing high rank politician. A case study of this nature is ideal for teasing out how state media regulation accounts for the practical and ethical complexities involving journalistic practices, specifically in the coverage highly sensitive political news.

Concluding thoughts

This chapter has examined literature based on three different aspects relevant to this thesis: the news media and the public interest, journalism ethics, and media regulation views and their discussion from the South American perspective. First, this chapter explored the literature in terms of the relationship between the news media and the public interest, and what challenges journalists face in the reporting of information that affect the public. Second, this chapter looked at the concept of truth in the news as well as how it is applied in different journalistic approaches. Here, several ethical approaches to news reporting were explored. Third, this chapter also examined literature on the South American and Ecuadorian media contexts, as well as the Ecuadorian journalistic culture in light of the country's Communication Law.

This study considers these concepts as the foundation for an in-depth analysis of the role of the Ecuadorian Communication Law in the reporting of a highly sensitive political scandal. The following chapter provides further discussion on the specific aspects that are considered for the analysis of news texts in this thesis in order to be able to answer the research questions proposed in the previous chapter.

Chapter III: Methodology

This thesis aims to investigate the role of media regulation in the reporting of sensitive political news in Ecuador. Specifically, this study discusses whether state regulation in this country provides a framework that can contribute to the improvement of news practices. The research starts by using comparative elements to set an analytical foundation that theorises the reflection of the Communication Law in the Ecuadorian news texts. Consequently, the researcher draws conclusions that enable him, through in-depth interviews, to explore the following: possible explanations for the patterns in the news texts, how the law affected the reporting of the Odebrecht scandal involving Jorge Glas, and whether the reporting would comply with the requirements of the law or not.

This chapter describes the research approach and methods applied in this study. It provides details on what they entail, the reasons for their selection, and acknowledges limitations to consider in the development of this research. As well, this chapter explains the parameters set in this study in terms of data gathering, such as the case studies included, timeframes and sources considered.

Qualitative Research Methods

Habermas (1962) suggests that social scientific methods help research become accountable in the sense that they give a level of consistency, reliability and replicability. Their procedures are generally accepted and can be made available for other scholars to check and assess. Even though Messenger Davies (2006) considers that qualitative methods do not have explicitly clear processes and are not easy to teach, Gray (2009) points out that they can increase knowledge of specific topics and provide new perspectives of real-life situations.

A focus of some qualitative methods is how media output reflects hidden meanings and how these meanings interact with audiences. In this regard, these meanings result from a variety of factors that respond to specific circumstances in which the texts are made, such as the writer's and the reader's interpretations of reality (Gunter, 2000). Tracy (2013) argues that qualitative methods allow the researcher to tease out the texts' meanings taking into account multiple perspectives, which contributes to the creation of new knowledge rather than only its explanation. Even though some qualitative research methods acknowledge the existence of an objective reality, others predominantly recognise the existence of different ones. The recognition of different realities is usually founded in the premise that the meanings cannot be assessed, but rather constructed, interpreted and analysed (Stelmach, 2016). Check (2008) states that constructions vary depending on the person's values and interpretations, which brings the possibility that qualitative research can end up supporting a political argument, reducing a study's validity. In order to avoid this, he recommends that the researcher must acknowledge the limits between their own thoughts and their role as analysts. They ought to be aware and control the interaction between their ideas, assumptions and the research material.

Epistemological position of the researcher and neutrality of results

Epistemological position

In the execution of qualitative research, the researcher should state the paradigm they will use to approach their methods. To do this, it is important to recognise the process through which this is done and how this influences the study.

Even though the definition of 'paradigm' is broad, it can be understood as "a set of basic beliefs that deals with the ultimates or first principles" (Guba & Lincoln, 1994, p. 107). In other words, a paradigm shows how someone appreciates the world, its reality and how they understand their place in it. However, in order to know this, the

researcher needs to answer to three key aspects on their understanding of reality: the ontological, epistemological and methodological. The ontological question refers to an individual appreciation of reality “what is the form and nature of reality, therefore, what can be known about it?” (Guba & Lincoln, 1994, p. 108) . The epistemological question deals with how the researcher examines that reality “what is the nature of the relationship between the knower or would-be knower and what can be known?” (Guba & Lincoln, 1994, p. 108). Lastly, the methodological question addresses how the researcher will learn what they mentioned in the epistemological question “how can the would-be knower go about finding out whatever he or she believes can be known?” (Guba & Lincoln, 1994, p. 109). It is important to note that the answers to these three questions are subjective, which means that, first, they are different from person to person, and second, they are sensitive to human error, and therefore, imperfect (Creswell & Poth, 2016).

The answers of the questions mentioned above are dependent of each other, in other words, the answer to the epistemological question depends on the one given for the ontological question. Guba and Lincoln offer a table where they theorise the possible research paradigms that these questions may lead to.

Table 1

Replication of Guba and Lincoln’s table of Basic Beliefs of Alternative Inquiry

Paradigms (p. 109)

Item	Positivism	Postpositivism	Critical Theory et al.	Constructivism
Ontology	naïve realism - "real" reality but apprehendable	critical-realism "real" reality but only imperfectly and probabilistically apprehendible	historical realism - virtual reality shaped by social, political, cultural, economic, ethnic, and gender values;	relativism - local and specific constructed realities

			crystallized over time	
Epistemology	dualistic/objectivist; findings true	modified dualist/objectivist; critical tradition/community; findings probably true	transactional/subjectivists; value-mediated findings	transactional/subjectivist; created findings
Methodology	experimental/manipulative; verification of hypotheses; chiefly quantitative methods	modified experimental/manipulative; critical multiplism; falsification of hypotheses; may include qualitative methods	dialogic/dialectical	hermeneutical/dialectical

As the table shows, there are four main inquiry paradigms.

Positivism: This paradigm sees the reality as a set of unchangeable laws that can be studied in a scenario where the object of study and the researcher are different and separate entities.

Post-positivism: Goes against the positivism's assumption of strict unchangeable laws and acknowledges that they can be changed depending on the would-be knower's capabilities.

Critical Theory: This paradigm is different from the past two as it acknowledges that the reality is shaped by different factors. In this paradigm, the would-be knower sees the reality through the use of values.

Constructivism: This paradigm sees the reality not as one but several. In this case, the would-be knower uses different resources in order to find results that best fit their own view of reality.

In this study, the qualitative research design is rooted in a constructivist paradigm. This means that the research was interpreted by acknowledging different perceptions of

reality, which can be teased out through the in-depth analysis of different kinds of data. In this sense, the consideration of multiple perspectives would allow the researcher to make better sense of what the findings might mean. With regard to this study, the researcher understands the Ecuadorian Communication Law, the case studies and the news reporting in relation to the social actors' understanding of them and their actions resulting from those understandings. Consequently, the researcher is aware that his study does not aim to understand an objective reality of this case of regulation of the news media, but the social reality built out of those actions. This understanding is also shaped by the researcher's knowledge of the relevant historical background and details regarding the political scandals in Ecuador and Argentina, as well as his constant and prolonged exposure to the issues being studied. This approach allowed him to set up a research design that foresees the perception of multiple realities and the critical examination of the results in terms of the way those perceivers were socially located.

The researcher's epistemological position allowed him to engage in a hermeneutic/dialectic methodological process. This means that the research methods selected acknowledge the gathering of data from multiple perceptions and interpretations of reality. In this process, a prior extensive study of relevant literature would assist in the understanding of the issues being studied, including the specifics of Ecuadorian journalism and the South American context it sits within. This would lead to a case study approach, which allowed the researcher to immerse deeply into these two instances of journalistic practices. Then, the researcher utilised discourse analysis and interviews as ways to build up his knowledge on other views of reality in terms of the issues being studied. Specifically, the in-depth interviews worked as a way to help the researcher understand the participants' views of reality and be able to examine them against the findings of the discourse analysis.

This framework enabled the researcher to test his interpretation of the selected news texts from a perspective that acknowledges the perceptions of others who were involved with the case study analysed. This enabled him to reach a solid understanding of the meanings, connotations and insights present in the data (Gray, 2009). In this regard, the validity of this study lies in several features that the research methods needed to have in order for their results to be considered valid and reliable (Whittemore et al., 2001). These features were considered throughout the thesis, including the data gathering, analysis and interpretation of results.

In safeguarding the reliability and validity of the results, the research was carried out using a systematic approach and with the awareness that the researcher's opinions or perceptions would be used to make better sense of the results acquired rather than expecting the data to fit with them. Specifically, the researcher's perceptions ensured the prioritisation of views from participants who were closer to the data analysed and offered rich insights on it given their experiences interacting with the events reported. This behaviour in the researcher allowed for results to be examined coherently with the literature considered and the variables of the case studies.

In this process, however, it is important to acknowledge the difficulties in preventing the researcher's bias and own interpretations from distorting the study's findings. These difficulties were a result of the researcher's professional background in media communications, as well as his experiences growing up in Ecuador and witnessing the high politicisation of the journalism occupation and media regulation topics in the country. Nonetheless, the fact that this study was carried out in an institution in New Zealand, and was supervised by New Zealander academics, were significant factors that assisted the researcher in maintaining objectivity through an analytical approach and provided distance in order to safeguard the purity of the data and its analysis.

Neutrality of results

In the approach to this research, it is also necessary to acknowledge the neutrality of the results. The term neutrality is often related to the idea of research being objective and unbiased (Given, 2008). This means that the analyses carried out need to be designed in a way that decreases the researcher's subjectivity in the process. The reason for this is that, ideally, neutrality means that the research would have the same results regardless of who the researcher is.

However, in social sciences this approach has been questioned as there is an acknowledgment that in this field, reality is constructed, which means that it can be perceived differently depending on who the researcher is and their views. In other words, given the level of complexity of the research topic and its elements, it is not possible for the researcher to fully understand them neutrally. Therefore, in qualitative research, the relationship between the researcher and the data becomes pivotal as it plays a role in how the data is interpreted (Given, 2008).

Even though the nature of qualitative research requires the researcher to be more involved with the data, it is also important to make sure that the data is still credible and legitimate. In practice, this can be done through adequate processes that reflect a balanced consideration of all the parts in the research. For instance, moderating analysis findings with an advisory team, giving space to diverse opinions from all the participants in the research, or acknowledging that some conclusions might be seen different by researchers in other circumstances.

Keeping the above issues in mind, the researcher carries out this study from a perspective that examines the law considering the journalists' agreements in terms of what concepts like objectivity, fairness and balance mean in their news-making

processes. The reason for this approach is because the research will examine how the Communication law's requirements fit within the journalists' approach to the news. In this process, any discrepancies between the law's definitions of these concepts and the journalists' appreciations of them, would suggest different epistemological frameworks between the law's codes and the journalists in terms of their meanings. As a result, these differences could signify challenges in the application of the law due to fundamental divergences on how to judge the news texts.

Design of the Analysis

In the process of designing this research, one aspect to consider was the tactics that had to be applied to gather evidence (Lindlof & Taylor, 2011). In this sense, the use of research questions was imperative as it set the empirical grounding for the analysis of data that would lead to the creation of new documentation (Krippendorff, 2019, p. 32). Considering the issues explored in the literature review and the current political and media environment in Ecuador, this study started by generating questions that aimed to evaluate the role of the Communication Law in improving the quality of information in the local news media.

Research questions

This thesis' overall aim is to examine the role of media regulation in the coverage of highly relevant and sensitive political news. In this sense, there were fundamental concepts in reaching this objective that the research questions needed to accommodate, such as problems with objectivity in the reporting of news, the lack of a universal definition of public interest and the different ways in which the news media can shape information. As well, it was also important to recognise that the people's need to have an instrument with no restrictions to scrutinise the government requires a press independent from state regulation. Consequently, questions are raised in terms of the

extent to which legal standards are able to provide a pragmatic framework for the assessment of news quality, while at the same time maintaining an unrestricted press.

Having this in mind, this study aimed to answer the following research questions:

- What are the differences between the reporting in regulated and unregulated news media?
- Does Ecuadorian news reporting fit with the articles of the current Communication Law?
- What does the data analysis suggest regarding the effectivity of media regulation in Ecuadorian newspapers?
- What other factors does the analysis suggest affected the way news articles on the Odebrecht scandal were written in the Ecuadorian regulated newspapers?

The research questions prepare the study to start with the use of comparative elements to provide an analytical foundation that would allow the in-depth analysis of the Ecuadorian reporting. First, the comparison of normative and discourse analyses carried out on regulated and unregulated newspapers would allow the researcher to pinpoint their differences. Consequently, this knowledge would allow the researcher to theorise to what extent the regulated newspapers' patterns could be result of the presence, or not, of regulation. Second, this theorisation would assist in the design of semi structured in-depth interviews in order to explore more deeply the alignment of the reporting with the Communication Law's requirements, the role of the law in the Ecuadorian journalists' approach to the news and what other factors affected the reporting.

Another aspect considered in this research was the strategy, which is defined as a general plan for the observation points (Bruhn Jensen & Jankowski, 1993). In this study, the strategy involved the appropriate selection of case studies, text sampling and research methodology that would provide adequate data for an effective development of the analysis. First, this section will explain the case studies and the rationale for their selection.

Case studies

Yin (2003) recommends that case studies should be used when explaining a phenomenon in a real-life context. While the case study approach in social research has some constraints, such as the inability to make wider claims from the data results or the potential research bias in the analysis, its advantages fit this research's purposes and made it a useful resource to acquire relevant results (Yin, 2018). Specifically, this research aimed to answer questions that did not consider numbers or quantities, but rather ethical challenges and personal stances. In this regard, the case study approach allowed the researcher to examine different interpretations of these concepts in specific circumstances. Consequently, the researcher was able to reach conclusions that, although limited to the case studies selected, provided rich information in terms of subjective processes and perceptions. Though, the success of this analysis lies in the researcher's clear understanding of the features of the case studies selected as well as their ability to examine them in coherence with the theory the research is based on (Gillian Symon & Cathy Cassell, 2017). In this thesis, the selected case studies aim to assist in the contribution to the literature on journalists' ethical approach to the news and how regulatory policies affect their perceptions in the reporting of sensitive political news (Chavero & Oller, 2014; Oller & Barredo-Ibañez, 2013).

For the Ecuadorian case, news texts were analysed by looking at the reporting of the Odebrecht's corruption scandal case in two different newspapers. This event caused a big impact in the country's political landscape and created a national debate amongst public officials and other political actors over the legitimacy of its legal process. It also sparked citizen participation in the form of protests. This corruption scandal happened soon after the elections took place, which the opposition claimed were rigged. It was also one of the most significant corruption scandals to hit the dominating political party in Ecuador. This is because it involved Vice President Jorge Glas, who was in charge of strategic development areas, such as telecommunications and electricity, and managed large sums of state funds (El Comercio, 2010). Political ideologies played an important role as many actors who opposed the government made strong claims about Jorge Glas's culpability based on the party he represented (Torres Reyes, 2017). Similarly, high government officials anticipated that private news media, who served their owners' interests, would be biased in their scandal reporting and would put pressure on the courts (Aguñaga, 2017).

In the Argentinean context, the case study for this thesis was the reporting of the legal process around what was commonly known as *el escándalo de los cuadernos* (the notebooks scandal) in which a number of Argentinean government officials were involved, including the country's ex-president Cristina Fernández. The scandal happened after Fernández's term ended, a detail she built on to claim that the whole case was used for political persecution. The scandal mainly centred on the publication of handwritten notes that registered undeclared big cash transactions between public officials and private businessmen (Espectador, 2018).

Appropriateness of the case studies. The selection of the case studies was based, partly, on the literature of mediated scandals, where scandal nature is rooted

in the news media and decides the parameters for reporting information on wrongdoings (Thompson, 2013). Thompson (2013) links political scandals directly to the media because the fact that they are widely spread through the news media is the reason they become scandals in the first place. In these situations, the reputation of political figures can be severely harmed by the way they are portrayed. Thompson adds that scandals involve actions that took place hidden from the public, usually related to financial power or sexual matters.

Additionally, by considering the literature describing the South American media contexts and journalistic cultures, it is fair to anticipate that the reporting of these two cases may respond, to an extent, to unique circumstances in the development and reporting of each case. For this reason, it is acknowledged that these two cases are not directly comparable. However, their similarities regarding the political atmosphere between leftist politicians and the news media enable the comparison of news texts and their examination against the Communication Law's legal requirements. Both case studies:

- are about corruption;
- involve leftists high rank politicians who pushed for media regulation;
- are reported by newspapers who had direct tensions with the politicians involved;
- took place at times of pronounced tensions between left-wing politicians and the news media. Specifically, the politicians accused the news media of being dishonest and serving the elites rather than the public, whereas the news media accused the politicians of engaging in authoritarian actions by criticising and undermining reporting against their governments.

In addition, previous research has pointed out similarities between Argentinean and Ecuadorian journalists in terms of their perceptions of their roles. In both countries, journalists see themselves as, mainly, reporters of reality, current affairs and monitoring of political leaders (Oller et al., 2017). Despite specific features that journalistic cultures have in each country, the similarities regarding the relationship between journalism and politics, as well as the journalists' perceptions of their roles, provide enough foundation to justify a comparative approach in the first part of this thesis.

These two case studies are useful for the analysis of the news texts in terms of their adherence to journalistic standards mentioned in the Communication Law, such as objectivity, balance, fairness, equality of reporting and non-presence of editorial views on ongoing legal cases (Norris, 2009). By understanding the patterns in unregulated reporting, the research theorises the extent to which any patterns found in the regulated reporting would be a reflection of the presence of the Communication Law. This process would allow the researcher to have an analytical foundation on which he then can explore more in-depth specific cultural and contextual features in the regulated environment that played a role in the news reporting (Mellado, Márquez-Ramírez, et al., 2017; Oller, Chavero, Ortega, et al., 2014; Oller et al., 2017).

At this point, it is important to note that the richness of the results was partly based on the study's ability to compare regulated texts to unregulated ones. In this regard, the uniqueness of the context in which the study was set up needed to be considered. This is, first, the tensions between the news media and left-wing politicians and, second, those politicians' later involvement in significant corruption scandals. This means that, for example, a comparison of news texts before and after the law in Ecuador presented challenges for two main reasons. First, the rise of left-wing politics in the country can be seen emerging in 2007. From this time, even though there were instances where

other political scandals arose, these were not as significant as the Odebrecht scandal. Second, during this time, left-wing politicians with a strong criticism against the news media were in power. Therefore, it was fair to presume that journalists' perception of freedom was particularly low, which could have affected their willingness to report sensitive political news. This meant that the selection of political scandals that took place after those politicians left office increased the likelihood of journalistic work that fully engaged in such relevant and sensitive topics, such as the Odebrecht scandal. Therefore, in this situation the Communication Law was the main aspect that they would have to consider in their reporting.

Newspaper selection criteria in this study

In total, four newspapers were analysed in this research project. *El Universo* and *El Telégrafo* in Ecuador and *Clarín* and *Página 12* in Argentina. These were selected under the following criteria:

Ownership: Considering Croteau's (2006) claims that the public interest is not the same as the media owners' interest, it can be suggested that private and state-owned newspaper will report news events differently. *El Telégrafo* is the only state-owned print media outlet in the country and *El Universo* is the most representative private newspaper in the country. The situation is different in Argentina, where, as noted, the totality of print media is privately owned. *Clarín* newspaper is the most widely read one and is owned by the biggest media corporation in the country. By contrast, *Página 12* is considerably smaller; however, it belongs to Grupo Octubre, whose biggest shareholder and editor is Victor Santa María, a politician and union leader who ideologically aligns with Cristina Fernández and her Government (Repoll, 2010).

Readership: *El Universo* is one of the private print media outlets with the biggest number of issues sold per week, 92,500 from Monday to Friday, 130,000 on Saturdays and 250,000 on Sundays (Jordan, 2010). Similarly, *Clarín Group* holds second place in the ratings across all its outlets, including *Clarín* newspaper, which has the highest sales in the country (Television.com, 2018).

Additionally, during the selection of the newspapers, their relationships with the political actors involved was also considered. *El Universo* and *Clarín* have a history of serious tensions with their respective governments. These include *El Universo*'s loss of a \$40 million dollar defamation case against the ex-president Rafael Correa (The Telegraph, 2011) and *Clarín* publicly stating that Fernández's policies against media companies in Argentina were mainly directed against them (Clarín, 2013).

Wimmer and Dominick (2006) claim that research studies provide constant learning and that the absence of prejudice is not possible in the creation of knowledge. These claims underpin the focus of this study in that, taking into consideration both *El Telégrafo* and *Página 12*'s background, the expectation was that they would show support to Jorge Glas and Cristina Fernández, respectively, whereas *El Universo* and *Clarín* would do the opposite. Therefore, any findings that run counter to these expectations or that do not show consistent tendencies in the reporting would enrich and increase the value of this project.

Sampling

For the effective execution of the analyses, the sample selection had a relevancy approach, which is defined by Krippendorf (2019, p. 118) as intentionally selecting texts and news that will help answer the research questions, prioritising content over quantity. In this regard, only the stories that reported the development of the Odebrecht

legal process in Ecuador and the notebooks' scandal in Argentina, and that involved Jorge Glas and Cristina Fernández, respectively, were considered. The reason for this is the shared characteristics of both cases, such as their sensitivity, their legal nature, and the role of the protagonists as people known for the hostility against the press. These characteristics make them useful cases to answer the research questions about journalists' adherence to journalistic codes and factors that impact their reporting.

Printed issues of *El Universo*, *El Telégrafo*, *Clarín* and *Página 12* newspapers were selected. The reason for this is that written documents provide empirical evidence of how events were reported and can show what an organisation supports, approves of and disapproves of (Lindlof & Taylor, 2011). The timeframe considered for the Ecuadorian case is from the 4th of August 2017 to the 14th of December 2017 as those dates mark the beginning and ending of the Odebrecht's scandal and case. For the notebooks' scandal, the issues considered start on the 1st of July 2018 and end on the 9th of November 2018. During this time the investigation and imprisonment of the people involved in the case took place.

Given the qualitative nature of the discourse analysis, the news texts in each newspaper were selected through a purposeful sampling approach (Palinkas et al., 2015). This means that the texts needed to fill a certain level of importance in the reporting. In this approach, it is important to recognise that each case study may vary in terms of intensity or length of the reporting (p. 3). Additionally, by focusing on Jorge Glas and Cristina Fernández, there is a risk of selecting texts that, together, may give a partial picture of the news, resulting in the presence of bias. In order to mitigate this, the selection of texts was anchored in key developments reported in both of the newspapers chosen in each case study, such as court appearances, court decisions and other official appearances involving Jorge Glas and Cristina Fernández. This would allow the study

to approach the selection of texts from a perspective that allows the comparison to be carried out with data chosen under the same conditions.

It is also worth noting that the language of the samples is Spanish. Van Ness, Abma, Jonsson, & Deeg (2010) recognise that when research is done in two different languages there can be potential misunderstandings or multiple interpretations when analysing data, especially when picking specific words or quotes to analyse meaning. This was shown earlier in this chapter by using the example of the Spanish language's lack of need of a subject for it to be grammatical and make sense. In this thesis, it was a concern as the translated texts are one step removed from the original news texts. Furthermore, it is suggested that social reality is interpreted differently depending on the language. In the research of ideologies, then, the translation of messages is influenced by the translator's perception of reality, consequently affecting the data (Chapman, 2006).

In order to address the issues mentioned, *one word (word-for-word)* translations were avoided and the translation of research data and findings was carried out by describing what the words in the original language meant rather than literally translating them, which increased the study's quality. For certain key language, the translation was done, as Santos et al. (2014) recommend, by the researcher along with a native speaker of English. As the researcher is a bilingual Spanish-English speaker, he was able to explain key meanings to his colleague in order to find the most adequate translation, preventing any possible distortion. This process was intended to allow the reader to clearly understand the interpretation of the data in its original meaning.

Research Methods

Normative analysis

Christiani (2015) sees this method appropriate to use when the research involves the study of the law and its compliance as a reflection of normative standards and values. In this regard, this method would allow the study of law as “implementation values” which are “difficult to apply at empirical level” (p. 204)., This approach was useful for addressing the research questions of this study as it would identify the newspapers’ (*El Universo, El Telégrafo, Clarín* and *Página 12*) different reporting styles, assess them using the Communication Law as a reference of a normative standard, and setting up ground for the deeper exploration of the reporting through discourse analysis.

As mentioned earlier in this chapter, keeping Ecuador’s contextual features in mind, Argentina’s significant similarities in terms of the relationship between the news media and left-wing politicians make it an appropriate choice for a comparative approach, which makes up the first part of this study. Here, the key difference that makes Argentina a useful study for comparison is the fact that, unlike Ecuador, this country does not have a law for journalistic practices.

With the acknowledgement that news reporting practices respond, in part, to journalistic cultures, which are different in every country, the contexts in Ecuador and Argentina show sufficient similarities for the use of comparative elements that assist this thesis in its focus to carry out in-depth analysis of the Ecuadorian regulated reporting. Specifically, even though the law only applies to one case, putting the Argentinean unregulated news texts alongside the Ecuadorian regulated ones would allow the researcher to identify their differences and theorise what patterns found in the regulated reporting may be the result of the presence of regulation. This would result in

the creation of evidence that would serve as the base to exploration of the regulated reporting further through in-depth interviews.

The Ecuadorian Communication Law was the only law in the region that, besides distributing media channels equally between private, public and community media, also contained articles regarding journalistic practices and the publication of news.

Considering this, this study chose the articles 10(3b) (4e) (4f), 18, 22, 25 and 27 in order to compare them against the print media outlets' reporting. This comparison raised the law to a level of analysis that would go beyond jurisdiction and study it as an attempt to describe quality journalism and provide tools to evaluate it, rather than censor the media, making it applicable to the case studies in both countries.

The legal articles considered in this research are detailed as follows:

Article 10 (3b) (4e) (4f) dictates principles regarding communication ethics. Firstly, it says that the media must abstain from intentionally omitting or distorting elements of information. Secondly, that the media must make sure that headlines are coherent and consistent with the news content. Finally, that the media must distinguish between news and opinion pieces (2013, p. 4).

Article 18 states that the deliberate and repeated omission of the dissemination of topics of public interest constitutes prior censorship. Prior censorship done by any person involved with the revision, approval or disapproval of news for publication, for their own or others' interests, is forbidden (p. 5).

Article 22 sets definitions for contrast, preciseness and contextualisation, which need to be present in published news stories. It also states that the stories need to acknowledge any electoral, economic or political interests that cited sources have in relation to the news (p. 6).

Article 25 expresses that the media must abstain from taking an institutional position regarding ongoing judicial processes² until the sentence dictated by a competent judge is executed (p. 6).

Article 27 states that every media outlet must treat the reporting of ongoing judicial processes under equal conditions. In print media, the parties involved must have the same space, page and section to present their arguments (p. 7).

The reason for selecting these articles for this study was because they are based on the power and responsibility that the news media holds over a country's democratic health. They spark discussion on whether journalistic ethics can be measured objectively and the news media outlets' ability to self-regulate and improve their practices. Considering the different perceptions of truth, the selection of these articles gave the study the ability to see the challenges in the attempt to bring subjective concepts to a legal level.

This normative analysis was carried out by looking at all the news texts reporting the scandals from a surface perspective where they would be examined according to their structures and any explicit language that may not fit the articles of the Communication Law. Specifically, the articles of the law used in this analysis focus on coherence between headline and content, balance, news tagging, source tagging and presence of institutional position. Due to the news texts' subjective nature and different possible interpretations, instead of looking for quantifiable measures, this exploratory analysis provided results, upon which an in-depth discourse analysis can be built. During this process, the researcher also intended to identify the news texts that would be used for the discourse analysis.

² The term "institutional position" refers to the presence of editorial views on legal cases still in process, for instance, views on whether a formal suspect is guilty or not.

As mentioned before, the news texts in this analysis were chosen by considering Jorge Glas in Ecuador and Cristina Fernández in Argentina as centres of the scandals. This meant that there was a risk that this selection would result in texts that could show biases against or in favour of these politicians. In order to reduce this risk, the selection of the stories was carried out by considering other relevant aspects in the reporting of political scandals. These would have to, first, cover the Odebrecht and notebooks scandals in relation to Jorge Glas and Cristina Fernández, respectively. Second, the selected articles would have to cover key events in the development of scandals, such as court orders, appearances, parliament proceedings and any other declarations on the scandals given by the two politicians in these instances. As explained earlier in this chapter, by anchoring the selection of texts in events around the official development of the scandals, the researcher decreases the possibility of picking incidental stories that may only tell the news partially by mentioning Jorge Glas or Cristina Fernández.

Discourse analysis

In this thesis, discourse analysis was chosen as the method to further analyse the regulated and unregulated news texts and tease out their differences in reporting events with similar circumstances. By looking at discourse features in both regulated and unregulated reporting, the researcher would be able to theorise the extent to which the Communication Law was reflected in the regulated reporting. The conclusions drawn from this analysis would help the researcher make early suggestions on whether the law is effective at screening these discourse features. This, therefore, would set the analytical foundation that would allow him to examine more in depth the reasons behind the patterns observed in the regulated reporting and the role of media regulation in its process. These include the journalists' ethical approaches to their reporting and

perceptions of freedom working under the Ecuadorian Communication Law (Oller, Chavero, Cevallos, et al., 2014; Oller et al., 2016).

Discourse analysis has been defined and used explicitly by media researchers since 1980, when it was utilised to study the industrial reporting in the British media.

According to Schiffrin (2001), several works on media discourse hold that it has the power to show the news producers' bias. Entman (2007) redefines bias and calls it news slant, seeing it as the composition of agenda setting, framing and priming of the news. Specifically, he refers to agenda-setting as "another name for successfully performing the first function of framing: defining problems worthy of public and government attention" and priming as the intended effect of strategic actors' framing activities, which highlights how the audiences' interpretation and preferences are shaped as a result of framing (p. 164). In this regard, he highlights that news slant is not the same as bias. Whereas bias benefits one view over the other during a conflict, news slant does maintain an apparent balanced portrayal of opposing views while also framing the information in favour of one of those views (p. 165).

Fairclough (1995) takes a different stance as he claims that media discourse reflects the ideology of those who produce it and configures the collective subjectivity around what they dictate. Macdonald (2003) defines ideology as "a systematic framework of social understanding motivated by will to power, or a desire to be accepted as the 'right' way of thinking, which has a wide support within a particular society or substantial social group" (p. 28). She adds that it is easy to notice ideology in others but not in oneself and criticises other views that say that ideologies can only be found in dominant thinking systems, as that would mean that several strong, though non-dominant movements, would be reduced to critiques.

These different concepts on bias and ideology lead to the suggestion that although journalists can choose to be unbiased when producing news stories, they cannot avoid ideologies from being present in their texts. In other words, even if journalists try to be as impartial as possible, their stories will still reflect their alignments to certain views in a determined social context.

Consequently, Fairclough believes that discourse analysts see the social order as a product of specific constructions of realities and discourse analysis can reveal how a discourse is potentially capable of legitimising and recognising power through the positioning of its content. Anderson (2012) claims that said revelation is the result of the exploration of ideological messages and meanings conveyed through the texts. Hartley (2014) validates discourse analyses by suggesting that they have sociocultural value as they expose the news media's ideologies and power relations.

Van Dijk (1983) provides a specific approach to the definition of ideology and the implementation of the methodology for its research within discourse. He defines ideologies as socio-cognitive. They are social in the sense that, by definition, an ideology is shared by a group of people rather than an individual. They are also cognitive as they involve innate factors in people, which include certain codes of values, judgements and ideas. In print news media, Van Dijk describes three characteristics of discourses that can reflect an ideology:

Functionality: This can be looked at through the topics being reported, their structure, styles and lexical choices, which help identify the speaker's ideology and beliefs. As an example, Van Dijk mentions his work on the description of people that participated in the Amsterdam riots, who were referred to as "hooligans" or "thugs"; and the police, who were identified with more neutral adjectives, despite being equally violent (p. 31).

Lexical choices used throughout the whole text create an overall concept which, according to Van Dijk, is what the audience is most likely to retain.

Meaningfulness: Part of the effectiveness of a discourse relies on local as well as global coherence and semantic unity. This is done through macro-positioning, which is defined as the consistent application of rules during the production of news articles.

These rules include generalisation, deletion of irrelevant content and construction of an overall image through the publication of several stories. Macro-positioning can be seen in the production of headlines, sub-headlines and leads, which are especially important as they help the reader decide whether they should read the complete story or not.

Macro-rules are key for the overall understanding of news texts and contribute to the identification of the news producers' general opinions (Van Dijk, 1983).

Goal-directedness: Discourses have a purpose and in order to achieve it, they usually perform speech acts. In other words, discourses are composed of sequences of texts that are connected together and created to achieve a particular objective. These speech acts need to also be locally and globally coherent (p. 26).

In the execution of this discourse analysis, the news texts were analysed independently as well as cohesively in order to find patterns in the reporting concerning Jorge Glas and Cristina Fernández. Specifically, each selected story was analysed in terms of adjectives and grammatical structures with the intention of suggesting what encoded ideologies the reporting conveyed. Once these features were identified, Van Dijk's concepts of meaningfulness and goal-directedness of texts were also applied by looking at how consistently and coherently they were used in specific news texts as well as in the overall reporting. This use of Van Dijk's discourse analysis theory allowed the researcher to understand the reporting and provide suggestions of its meanings, as well

as examine it against the Communication Law and suggest whether it would fit its requirements or not.

Analytical tools for the interpretation of data. The analysis looked at specific aspects of language in each story in order to find patterns in the reporting that support the suggestion of trends regarding the portrayal of Jorge Glas and Cristina Fernández. From a language perspective, the reporting of both case studies was analysed in terms of three aspects of language use: sentence structure, lexical choices and narrative. The study of these three aspects was done with a focus on Jorge Glas in Ecuador, and Cristina Fernández in Argentina as the main actors in each scandal.

Firstly, Richardson (2009) talks about sentence structures in terms of transitivity and modality. Transitivity refers to the way participants, actions and circumstances are reported and can generally be noticed in the use of active and passive voice in sentences. By focusing on an action, the person who performs it, or the context in which it happens, the speaker's role in the event reported can be suggested. In addition, sentence structures can also be analysed in terms of modality, which is a resource that allows for the introduction of personal judgements in texts. More specifically, the modality in texts allows the writer to express opinions and attitudes regarding the event being reported. This can be observed through the use of modal verbs or adverbs and can differentiate between the truth and obligation modalities. The first refers to the degree to which the language selected expresses opinions that could be interpreted as claims, whereas the second involves suggestions that the speaker might make for future events.

However, Spanish grammatical rules do not require the use of a subject for a sentence to make sense, for example, *citan a indagatoria a Cristina* translates to *They made an appointment for investigation with Cristina*. Here, the text in Spanish does not require

the use of a subject, but in English, a subject is usually needed for a sentence to be complete, which makes the use of *they* necessary in this context. The omission of who performed the actions directs the attention to the action itself and to whom it is done. In this case, it could be suggested that the writer's interpretation of newsworthiness rested more on Cristina Fernández than the others involved, such as the judge or other suspects. In Spanish, though, the analysis in terms of transitivity lies more on the verbs used in texts and whether they need an object or not, which gives more relevancy to the subject. For instance, in *el agua está hirviendo* (the water is boiling), the verb *boiling* is considered intransitive, as it does not need anything after to complete the message. Montarcé (2014) acknowledges these differences as she takes 'Cardiff' grammar and puts it against the Spanish language. This special attention on verbs in a transitive analysis of discourse lies in the language's wide variety of verb tenses, which show more variables in the meaning of texts than in English (Jara, 1995).

Additionally, the examination of sentence structures also considered the use of reported speech. Sources can be cited in different ways, for instance, through direct reported speech using quotations, or indirect reported speech using verbs to assign claims or opinions to others. According to Olson and Oatley (2014), the written nature of quotations enables the researcher to separate a source's comments from the speaker's judgement on them. This can result in different interpretations of the message that a quote might convey.

Secondly, the adjectives and verbs used in the reporting were also considered in this study. Richardson emphasises that they affect the reader's perception of the actors mentioned as well as reflect the writer's perceptions of reality. In other words, in the news-making process, journalists assign adjectives and verbs to the people they are reporting, which will exclusively put them in specific social categories. This makes it

possible to suggest the purposes behind the selection of particular terms and aligns with Van Dijk's (2006) remarks on the relationship that the speaker has with the events being reported and how they can expose a specific macrostructure. Importantly, Van Dijk uses the term to refer to the way the speaker sees their reality rather than their intention of spreading their views.

Thirdly, this analysis also looked at narrative by considering two approaches. First, it took the Levi-Strauss theory, which claims that stories ultimately look for resolution of conflict and the meaning of signs depends on the context they are put into. As well, Lacey (2000) notes that Claude Levi-Strauss argued that the people's understanding of reality lies in "binary oppositions". For instance, good vs bad, strong vs weak. Strauss took Propp's spheres of actions theory and created antonyms to demonstrate his theory that every action in a story is interpreted in terms of its counterpart.

This analysis attempted to assign Levi-Strauss's narrative roles and their opposite to the actors in the case studies in Ecuador and Argentina separately.

Table 2

Adaptation of Propp's spheres of actions to Levi-Strauss binary oppositions

Good	Bad
Heroes	Villains
Helpers	Henchmen
Princesses (love objects)	Sirens (sexual objects)
Magicians (good magic)	Sorcerers (evil magic)
Donors of magic objects	Preventer/hinderers of donors

Dispatchers of Heroes	Captors of Heroes
Seekers	Avoiders
Seeming villains who are good	False heroes/heroines who are evil

Secondly and most importantly, the analysis of these texts took into account Bell's (1991) argument that news stories are similar to personal stories in the way they are told. Bell suggests that, just as in a personal story, the author of a news story will frame the events according to their own perception of reality. This means that, for example, if the speaker talks negatively about someone, it is not necessarily an action based on malice but rather involuntary perception. Bell sees stories containing the following elements: Orientation, evaluation, action and resolution. He argues that in contrast to personal stories, news stories show these elements in different parts of their storytelling. For instance, orientation and resolution are often shown in the headline or lead, whereas evaluation and action may be throughout the story.

Semi structured in-depth interviews

After drawing conclusions on the extent to which the Communication Law may have been reflected in the Ecuadorian news texts by comparing them against unregulated ones, this study moved on to a deeper analysis of the Ecuadorian regulated context to build on the results found in the textual analyses. The execution of semi structured in-depth interviews permitted the researcher to learn about the journalists' approach to the Odebrecht reporting and how they considered regulation in their news practice. As a result, the information gathered was analysed along with the results of the discourse analysis, where the researcher attempted to make sense of the interviewees'

interpretations of the law's requirements and how they consider these requirements in their approach to the news.

Kvale (2008) describes interviews with a mining metaphor, in which knowledge is the mineral that the interviewer needs to dig out by going through different layers in the interviewee's mind. Once the process is completed, the researcher handles the acquired knowledge and polishes it by transforming it into written form. Kvale recognises the conversational nature of the interview but also specifies that the difference is that it is not a conversation between equals and its effectivity relies on it having a clear purpose and structure. In addition, he mentions the role of the interview in the social sciences and its growing reliability in the acquisition of academic knowledge.

More specifically, in-depth interviewing carries a high level of complexity as it is different from other interactions that require conversation, such as public speaking and discussion forums. Tracy (2013) sees the interview as a method that can organically develop during its execution, which consequently leads to a deeper comprehension of both interviewer and interviewee's thoughts and an accurate explanation of the topic in discussion.

In-depth interviews require the researcher to build an adequate rapport with their interviewee in order to gather information that could not be found in other qualitative research techniques. The information sought in this kind of interview usually involves the interviewee's personal values, ideology and perspectives on different topics, which makes it necessary for the researcher to be aware of their own when interpreting the information being shared (Johnson & Rowlands, 2012). This condition makes the execution of an in-depth interview a process that involves various ethical aspects. The interviewer must let the interviewee know what the content of the interview is going to

be used for so as to ensure their participation is based on informed consent. In addition, clear terms regarding the process of ensuring consent, confidentiality and possible consequences of the use of the content need to be set and agreed upon before the interview takes place (Kvale, 2008).

Even though the interview is considered a useful and reliable way to obtain information, Asa Berger (2000) points out potential issues that can be found in its execution. Scholars argue that an interview can be interpreted in ways that may affect the research process differently. They discuss whether the researcher should prioritise the information gathered over the way it is delivered or vice versa. In this sense, Asa Berger suggests that when deciding on the focus of the interview, the researcher has to bear in mind that the interviewee might not be sincere, not say anything relevant or not give completely factual information. There is also the possibility that the interviewee does not use the language in the same way as the interviewer, which can lead to misinterpretation of information.

In this study, the use of semi structured in-depth interviews assisted the researcher in setting up guidelines in terms of what kind of information needs to be gathered, which ensures that relevancy of most of the content of the interview in answering the research questions. As well, by using semi-structure interviews, the researcher would be able to leave an open end in each question to allow the interviewees to say things that may not be foreseen by the researcher (Horton et al., 2004).

The objective of these interviews was to gather insights on the reporting of the Odebrecht scandal that would help answer the following research questions in this thesis:

- Does Ecuadorian news reporting fit with the articles of the current Communication Law?
- What does the data analysis suggest regarding the effectiveness of media regulation in Ecuadorian newspapers?
- What other factors does the analysis suggest affected the way news articles on the Odebrecht scandal were written in the Ecuadorian regulated newspapers?

Rationale for finding interview participants. In order to acquire robust and valid results, the participants were deliberately selected because of their knowledge relating to the Odebrecht case and how it was reported. In total, eight people were interviewed for this thesis, who were categorised as either journalists or academic experts (external sources). It was intended that the journalists and experts would represent the newspapers part of the study and relevant centres of media research, respectively. More importantly, it was required that the journalists had taken part in the creation and/or publication of the news texts analysed, and that the experts were knowledgeable about the Odebrecht scandal and its reporting. This meant that the journalists had to have occupied managerial or senior level positions, especially in the politics area of each newspaper, and the academic experts had to have followed the reporting of the development of the case, especially in the newspapers analysed. On the one hand, this would allow the researcher to analyse the information from the interviews of each journalist by considering the participant's close working relationship with the newspapers analysed.

On the other hand, the execution of interviews with external sources, the academic experts, would serve as a tool to contextualise the journalists' comments, which ensured an analytic approach that acknowledges multiple perspectives. As a result, this approach allowed the researcher to draw robust and justified conclusions from multiple

perspectives around the role and effectivity of the Communication Law during the reporting of the Odebrecht scandal.

The rationale behind the decision to select eight participants was based on the study's need to have sufficient diversity of views on the matters discussed. In this regard, when trying to answer the question *how many interviews is enough?*, the answers compiled by Baker and Edwards (2012) from several scholars concluded that there is no specific formula to make this decision. Amongst the answers, the most common approach to decide the number of interviewees in qualitative research lies in the specific characteristics of the research being conducted as well as the complexity of the topic.

Considering the requirements to get managerial/senior level journalists from *El Universo* and *El Telégrafo*, who specifically worked in the area of politics and were working during the reporting of the Odebrecht scandal, the population of potential participants was small. Furthermore, some of the eligible candidates declined the invitation to participate or were unavailable due to their high workloads from covering the COVID-19 situation in their locations. Nonetheless, this study needed to guarantee diversity and balance in opinions, which resulted in it having two or three participants of each newspaper and external sources. This number of participants was appropriate as it helped the study gather sufficient data from a range of views from an institutional and professional perspective, while also preventing the saturation of similar information³. In other words, the participants would be interviewed in terms of professional practices. In

³ An example of sufficient diversity of opinions on the reporting of the Odebrecht scandal and Jorge Glas was reflected in declarations by the two journalists from *El Telégrafo* as well as two from *El Universo*. Those from *El Telégrafo* showed similar appreciations in terms of the fitting of the reporting with the Governments interests to affect negatively. As well, two journalists from *El Universo* agreed that media regulation in Ecuador is not useful nor practical given the complexity of their journalistic work and the politization of regulation in the country.

this regard, their responses would reflect a sufficient variety of perceptions preventing the overload of the same thematic data (Guest et al., 2020).

Ethical requirements for the execution of the interviews. Given the sensitivity and controversy around the Odebrecht scandal, it was important to preserve the confidentiality of all participants in order to address their fears of any future retaliation against them for participating in this study. In order to achieve this goal, the managerial/senior profiles of the participants and size of the newspapers selected were considered. As a result, it was concluded that due to the small size of the population of potential participants, any extra information about them, such as position, age, gender or work experience, would make them identifiable and compromise their privacy. For this reason, this information was omitted. Instead, each one of the participants is referred to by a pseudonym. This process was required, validated and authorised by the University of Canterbury's ethics committee. Below is the list of the participants and their pseudonyms:

El Universo:

- Journalist A.
- Journalist B.
- Journalist C.

El Telégrafo:

- Journalist D.
- Journalist E.

External sources:

- External source 1.

- External source 2.
- External source 3.

Interpretation of interview data. In order to analyse the interview responses, a thematic analysis was carried out. This research technique is defined as “the process of identifying patterns or themes within qualitative data” (Braun & Clarke, 2006, p. 79). In this approach, the intention was not to analyse their knowledge on the Communication Law’s requirements or journalistic standards, but to understand how they make sense of the reporting analysed, the communication law and their journalistic practices. This process was carried out by gathering, analysing and categorising their talk into topics of interest, or themes, that would help answer the research questions in this study (does Ecuadorian news reporting fit with the articles of the current Communication Law?; what does the data analysis suggest regarding the effectiveness of media regulation in Ecuadorian newspapers?; what other factors does the analysis suggest affect the way news articles are written in the Ecuadorian regulated newspapers?). Specifically, the themes that arose in this process marked overarching topics that came up during the interviews, where the views of each interviewee were considered and examined together with the others (Gamson & Modigliani, 1989). As a result of this step, the researcher was able to understand from different perspectives how the journalists interacted with the Communication Law in their reporting and to what extent, if so, it could have played a role in the discursive features found.

Application of the Analyses

The analysis of the data in this study was carried out through three cycles, which together, helped this thesis perform an in-depth examination of the Ecuadorian reporting of the Odebrecht scandal and the possible role that the Communication Law played in its reporting. During the first and second cycles, the analysis engaged with the

news texts from a comparative approach that focused on finding patterns in the reporting of the Odebrecht scandal. By comparing the regulated reporting of the Odebrecht scandal in Ecuador to the unregulated reporting of the notebooks scandal in Argentina, a similar case in many respects, it was possible to understand the extent of the influence of regulation on the Ecuadorian reporting. In the third cycle, the research moves away from a comparative approach and focuses further on the examination of the Ecuadorian regulated reporting. Through this in-depth approach, this cycle aims to find deeper explanations for the discourse patterns in the news texts and how journalists interacted with the Communication Law in their reporting.

In the first cycle, the content was examined with regard to the Communication Law's requirements of coherence between headline and content, balance, news tagging, source tagging and presence of institutional position in news texts involving Jorge Glas and Cristina Fernández as the main suspects in each case study. Due to the subjective nature of these requirements, this examination took an approach where news stories were assessed by looking at their features from a surface perspective and identifying any explicit signs that would suggest their non-compliance. That is, looking at the general structure of the stories and scanning their texts for equal space for all sides involved in the news, and the absence of any evident defamatory language or explicit partiality in the reporting of the case studies.

During the second cycle, the discourse analysis engaged in more in-depth textual examination focusing on the Ecuadorian and Argentinean newspapers' lexical choices, grammatical structures, and narrative features. As previously mentioned, the development of the discourse analysis in the Ecuadorian and Argentinean cases were carried out with Jorge Glas and Cristina Fernández as the main actors to see whether

there is a pattern in the reporting involving them. This is because of their public animosity towards the press and mistrust in their countries' legal systems.

In order to carry out this investigation, specific news stories were selected about each case and the language was examined only in terms of headlines, sub-headlines and leads. The selection of stories was based on the relevancy of the texts when considering the cases' most relevant legal developments, such as the involved parties' declarations on the development of the case, court appearances of the involved parties and court sentences. The main reason behind this decision was the law's requirement for the news reporting to not show editorial stance on the case and to treat all the parties involved under equal conditions.

Similarly, the rationale to analyse only headlines, sub-headlines and leads lies in their relevancy or ability to "affect what existing knowledge can be activated in the audience", which may influence their perspective when reading the news (Konnikova, 2014). It was not necessary, then, to consider all the stories or complete news texts. This is because the qualitative nature of the analysis suggested that the findings in the language used in more relevant parts of key stories would have more significance during the interview stage of the thesis. Specifically, significant language in the reporting was more likely to be remembered by the journalists who were soon to be interviewed.

The textual features found in the discourse analysis were examined keeping in mind aspects of the law that are challenging to find in the texts' surface. Examples of this are the implicit presence of the newspapers' editorial positions on ongoing judicial processes and the omission of information. These parameters are worth examining in this study as they deal with aspects discussed in chapter one which are the most

relevant aspects in the news making process. Texts that show contextualisation, preciseness and contrast are considered professional under universal journalistic standards (Patterson, 1996), and their impartiality in legal cases are argued to reflect reporting's objective approach (Schudson, 2001). However, they are seen as subjective approaches shaped by each journalist's own interpretation of reality. The value in employing them in this analysis is strengthened by the added legal weight provided by the Communication Law, which holds journalists to account by involving legal fines and other punishments.

Having these requirements in mind during the analysis allowed the researcher to make suggestions on the extent to which the Communication Law was reflected in the Ecuadorian reporting, as well as how the texts' features would comply with them. Moreover, this cycle demonstrated other ways in which meaning is made through language that are not explicitly spelled out in the law. For instance, transitivity features or global coherence may have subtle presence in the news texts' and require exhaustive processes for their identification. These discursive features underpin the discussion (Chapter II) about subjective factors present in news and the Communication Law's actual ability to identify them in news reporting. Additionally, it is important to acknowledge that during Cycles one and two, the researcher discussed and moderated his findings with his supervisory team. Discussing the findings with people less involved with the context of the research allowed the researcher to identify any instances where his bias may potentially distort the findings, ensuring the validity and reliability of this study.

Cycle 3 moves on from the use of comparative elements and focuses exclusively on the further examination of the Ecuadorian regulated reporting. Through in-depth interviews, this cycle involved the discussion of the results found in the discourse

analysis (Cycle Two) of the Ecuadorian case study, as well as the deeper exploration of the Ecuadorian journalists and academic experts' own perceptions of the Communication Law and its role during the reporting of the Odebrecht scandal. These interactions allowed the researcher to ask those who were involved with the analysed regulated news texts for insights on their news-making process and what other factors affected their reporting. Additionally, interviewing external sources who also followed the reporting of the Odebrecht scandal made it possible to include additional views from perspectives that are not influenced by newsroom cultures.

While the Argentinean case study provided rich data about the news texts' features in order to theorise regulatory reasons for different reporting, the Ecuadorian interviews aimed to contribute data rooted in the participants' own experiences working under regulation. This meant that, for this cycle of the study, interviews with Argentinean journalists were less relevant as newspapers in Argentina are not subjected to a similar law.

Consequently, the execution of the three cycles in the proposed order answered the research questions as they approached the data analysis progressively. This order also allowed its interpretation from a perspective that acknowledged other views in the assessment of compliance with media regulation policies, issues in its application, and other factors that influence news reporting.

Ethics process in this study

As a requirement for the development of this research, it was necessary to get ethics approval for the execution of the interviews. This process signified the researcher's acknowledgement of the risks that the study presented to the interviewees in terms of mental stress and potential reprisals due to their participation. Even though this analysis focuses on journalistic work and self-reflection of past processes involving the

reporting of political scandals, the participation of journalists in the interviews meant that they would have to think back and reflect on decisions they made and stances they took on this reporting. It was clear that this process could potentially result in mental stress as their self-reflection could lead to their realisation of mistakes or wrong decisions during their work, which resulted in the researcher taking precautions in order to mitigate this risk. These included giving the interviewees tools to avoid any potential stress, such as their ability to cancel the interview at any given time, or freedom to refuse answering any questions that they considered uncomfortable. This ethical process experience led to the researcher's realisation and acknowledgement that, even though the thesis looked like a political topic that took place amongst political figures unrelated to the interviewees, their influence on the journalists' personal and professional experiences was stronger than expected. This is why, as mentioned before, the researcher took care in keeping the interviewees' confidentiality in order to prevent any potential repercussions from participating in this study, such as problems in their workplaces.

On the researcher's side, there are aspects in the development of this study that played a role in decisions and paths taken in this process. With a background of having lived in one of the countries considered, it was fair to think that the researcher's bias would affect their analytical approach and interpretation of results. In this sense, as mentioned earlier, the fact that this research was conducted overseas and was supervised by academics who had no connections to the case studies or the countries examined in this study, can be considered a strength. This is because it resulted in the researcher acquiring input that challenged their own views on certain foundational concepts of the study and personal opinions on the cases studied. Specifically, conducting this research in New Zealand signified the mitigation of potential issues of bias or objectivity in the

approach to the analysis and interpretation of results, which resulted in this text having more analytical weight founded on robust, justified and reviewed evidence.

Concluding thoughts

This chapter has provided the methodological framework that will anchor this thesis throughout its development. In this regard, a justification for the methods and cycles used in this thesis has been addressed. By gaining a perspective of what unregulated reporting looks like, this thesis is able to theorise what patterns in regulated reporting may respond to the presence of media regulation. Consequently, the researcher is able to build on an analytical foundation that allows him to explore, in depth, the reasons for the patterns found and how the journalists consider the Communication Law in their approach to the news.

The analysis of the news texts along with the interview data, provided findings that contribute to the literature on the role of media regulation in the journalists' perception of freedom and whether regulatory frameworks can contribute to the improvement of the quality of the news.

Chapter IV: Normative Analysis

This chapter describes the first of the three cycles of analysis in the execution of the research process in this thesis. It contains details of the execution of the normative analysis, an overview of how the reporting of the Odebrecht and notebooks scandals developed, and examines the findings in a way that sets the ground for the discourse analysis of the news texts in the second cycle

The objective of this normative analysis was to examine from a surface perspective whether the news texts in *El Universo*, *El Telégrafo*, *Clarín* and *Página 12* fit with the Communication Law's requirements. In the case of the Argentinean news texts, even though they are not subjected to this law, their analysis provided insights on the language used in an unregulated jurisdiction. This was useful as it would help the researcher to develop their understanding of the features in the Ecuadorian texts that may suggest some sort of reflection of the regulatory policy by taking unregulated reporting as a point of reference.

In this step, the focus of this approach was examining the surface features of the news texts based on the law's requirements of: coherence between headline and content, balance, news tagging⁴, source tagging and presence of institutional position in the reporting. Here, it is important to acknowledge the subjective nature of the law's requirements considered, which results in variables that cannot be controlled for, such as the different authors of the news texts and their interpretations of the law's articles. This meant that rather than aiming for measurable results, this process searched for textual tendencies, such as explicit signs of defamation, or opinionated claims, and structural signs that may suggest lack of balance in the texts. The presence of these

⁴ In the Ecuadorian news texts, the symbol (*I*) is used to identify the articles as information, different from the symbol (*o*), which refers to opinion pieces. This feature is not present in the Argentinean news texts.

features would be fully explored during the in-depth discourse analysis of the language used by the newspapers considered. In this process, the law's requirements were examined from the following perspective.

- Balance: the presence of all the sides is pertinent in the reporting of the stories.
- Coherence between headline and content: a logical relation between the headlines of the news texts and their content (RAE, 2018) e.g. If the headline highlights a court appearance, the content should, in theory, expand on that.
- News tagging: labels showing if a news text is information or opinion.
- Source tagging: the attribution of claims to those who stated them.
- Presence of institutional position in the reporting: explicit language that make claims on the case without quoting who said them. E.g., claims made by the parties involved, such as Jorge Glas and Cristina Fernández on one side, and the attorney general and court on the other.

This chapter saw an overall apparent compliance with the law in the majority of the texts, where the texts seemed to be reporting the news from a balanced perspective. Additionally, this chapter provided a descriptive overview of the development of the reporting divided by months, in which the key news on the case were identified and selected in order to carry out the next chapter's discourse analysis. This exploratory analysis provided evidence that begs the need for more detailed examination of the news texts. In this regard, discourse analysis is able to provide stronger evidence to suggest ideological and textual patterns in the reporting of both case studies.

Overview of the data – Odebrecht scandal and notebooks scandal

Table 3

Number of articles in El Universo and El Telégrafo newspapers reporting Jorge Glas and his involvement in the Odebrecht scandal in Ecuador

Newspaper	August	September	October	November	December	Total
<i>El Universo</i>	28	20	19	18	12	97
<i>El Telégrafo</i>	14	21	15	12	9	71

In the Ecuadorian case study, from the breakout to end of the Odebrecht scandal, *El Universo* published a higher number of news stories on Jorge Glas than *El Telégrafo*, even though most of the scandal was reported by both newspapers, *El Universo*'s extra texts are mostly summaries and announcements of new court stages. The case was reported steadily throughout the five months. Both newspapers generally used one page for each story except when it involved a key development in the case, such as a key hearing or a court decision, in which case they may have reported it in two.

Table 4

Number of articles in Clarín and Página 12 newspapers reporting Cristina Fernández and her involvement in the notebook's scandal in Argentina

Newspaper	August	September	October - November	Total
<i>Clarín</i>	28	5	7	40
<i>Página 12</i>	7	3	5	15

By comparison, the Argentinean case study showed that *Clarín* also published a higher number of stories than *Página 12*. However, the difference between the notebooks scandal and the Odebrecht scandal was that the former was not as steadily covered as the second. The reporting of the notebooks scandal is heavily covered during the first month and then it significantly decreased, with a short resurgence towards the fourth month after the scandal started. Similar to the Ecuadorian newspapers, in general, the

Argentinean ones also dedicated one page to each story, and when the two sides were reported, they added an extra page.

Main differences noticed

In this normative analysis, the main difference between the Ecuadorian and Argentinean reporting is that news texts on Jorge Glas and the Odebrecht scandal in both newspapers are tagged as news articles, whereas the Argentinean ones are not. This shows the Ecuadorian texts apparent compliance with article 10(4f), which requires that news articles and opinion pieces are tagged as such.

In addition, in this analysis, the Ecuadorian reporting did not show apparent patterns in terms of editorial views in either newspaper as their texts did not show explicit claims regarding the validity of allegations and proof of Jorge Glas's culpability or innocence. This was not reflected in the Argentinean texts where, although it only happens a couple of times, both newspapers use explicit language that could be seen as an indication of their editorial views on the scandal.

Furthermore, even though they were present in a small number of news texts, most of the potential signs of divergence from the law in the Ecuadorian texts, were noticeable in terms of balance of information and coherence between headline and content. These requirements were seemingly complied with in the Argentinean news texts. The following analysis offers a more detailed description of the development of each reporting and the apparent features noticed.

Reporting of the Odebrecht scandal and its apparent compliance with the Ecuadorian Communication Law's Requirements

The following section provides a monthly overview of the reporting of the Odebrecht scandal in *El Universo* and *El Telégrafo*, respectively. The aspects looked at in this

process were coherence between headline and content, balance, news tagging, source tagging and editorial position shown in the texts, which can be judged by looking at specific stories or the overall coverage. In this case, this analysis approached the news texts by considering the relevance of the events being reported, which would also help identify and select the key developments in the scandal, focusing on Jorge Glas, to carry out the discourse analysis.

Overall, the number of non-compliant features is significantly smaller than those which are compliant. The following analysis will provide an overview of the topics reported in each month and explore instances of the reporting that exemplify textual features that reflect compliance with the law, or lack there-of.

August

In August, there were 28 stories in *El Universo* and 14 in *El Telégrafo*. Although there were some exceptions, it can be seen that *El Universo* and *El Telégrafo* did show an overall coherence in their stories between text and headline. Also, *El Universo* seemed to assign more space to key stories by dedicating a story to each party involved in the story. For instance, on the 6th of August, it published a whole page story on all the legal processes that Jorge Glas was facing that could potentially end in his conviction. The next page contained another a story on the same topic but focused on Jorge Glas's response regarding those processes. These two stories were both on the same topic but showed opposite sides, which can be seen as apparent compliance with the law's balance requirements. In other instances, this newspaper contrasted the news in the same news story. For instance, on the 22nd of August, *El Universo* published an article on the attorney general's resolution to officially involve Jorge Glas as part of the process. The story occupied a complete page and included Jorge Glas's agreement and request to the legislature to authorise the petition. By comparison, *El Telégrafo* showed

balance by providing opposing views in the headlines and sub headlines, for instance, in the reporting of the same event involving the attorney general's request to implicate Jorge Glas in the Odebrecht case, this newspaper described the attorney general's action and addressed Jorge Glas's response in the sub headline following it.

This example also indicated that, even though both newspapers exhibited coherence between headlines and content, *El Telégrafo* showed a logical connection more explicitly. Specifically, *El Universo*'s headline says *fiscalía vinculará a Jorge Glas por su supuesta asociación ilícita* [attorney general will implicate Jorge Glas for alleged illicit association], whereas *El Telégrafo*'s headline says *vicepresidente solicitó al bloque de Alianza PAIS que facilite el acceso al juicio* [vice president requested AP legislative group to facilitate access to the case] with a subheading saying *El Fiscal anunció un pedido de audiencia de vinculación* [attorney general announced a request for a session for implication]. *El Universo* did not acknowledge the attorney general's actions as a request, nor did it make an explicit connection between the attorney general's request and the fact that Jorge Glas requested his party in the legislature to allow the process. These facts not only showed flaws in terms of coherence between headline and content, but also suggested a lack of fairness in the reporting, as even though both parties were acknowledged, the reporting seemed to benefit one over the other.

During this month, the key developments that were considered in the discourse analysis are as follows:

- Jorge Glas was stripped of his duties by the president.
- Jorge Glas gave a voluntary testimony before the attorney general.

- Jorge Glas publicly requested the legislature to give way for him to be legally implicated in the Odebrecht's case.
- The legislative accepts Jorge Glas's request.

September

In September, the reporting in both newspapers consisted of 20 news stories in *El Universo* and 21 in *El Telégrafo*, and even though it included other actors in the development of the case, the key aspect here is that the Odebrecht scandal became an official legal case along with Jorge Glas being an official suspect in it. This meant that in reporting the case the law's article 27 needed to be met, which requires for the reporting to be done equally on the parties involved, as well as the requirement that news reports must not show any editorial stances on the case. Even though this month also showed an overall apparent compliance with the law in terms of coherence between headline and content, there were some exceptions. An example is the reporting of Jorge Glas's voluntary declaration on the case before the attorney general. *El Universo's* headline reads *por 9 horas declaró Glas en fiscalía* [for 9 hours Glas declared at the attorney general's office] but rather than describing the development of the session chronologically, as the headline suggested, the content focused on the plaintiffs' conclusions after the testimony. This illustrates that reporting did not obey the law's balance requirement as there was no register of Jorge Glas or his defence's declarations.

By contrast, *El Telégrafo's* reporting of the same news seemed to reflect more balance as it used a different headline. The headline reads *vicepresidente Glas acudió a la fiscalía con sus simpatizantes* [Vice President Glas went to the attorney general's office along with his supporters] and uses several points of view from people involved in both parties, including lawyers, plaintiffs, the attorney general and Jorge Glas. This

publication also acknowledged that there was an attempt to register Jorge Glas's declarations but he did not cooperate.

In terms of the requirement for the judicial process to be reported under equal conditions, one key development to look at was the reporting of the testimony of Jose Conceicao, the Odebrecht's informer, about the role of Jorge Glas in the company's corruption practices. *El Universo*'s reporting gave more space to Conceicao's testimony than Jorge Glas defence's responses during the hearing. By contrast, *El Telégrafo*'s reporting did not mention Jorge Glas and focused completely on Conceicao's declarations and the attorney general's conclusions about them. This showed both newspapers' apparent lack of compliance with article 27 of the law as well as the requirements for balance and equality in the reporting. The absence of equal coverage did not only fail to follow journalistic standards set by the law, but it also made it likely that readers will not be given complete information about the case, potentially affecting their opinion on Jorge Glas's culpability. The fact that *El Telégrafo* did not even acknowledge Jorge Glas's response to Conceicao's accusations is quite a significant finding as it was presumed that the state newspaper would show support to Jorge Glas. This reporting provides signs that could be considered ideological as they stand out when compared to generally fair overall reporting. In other words, patterns where news texts stand out due to their content working in favour or against Jorge Glas will allow not only to assess their messages regarding his culpability, but also whether the Communication Law affected the reporting or not.

October

During this month, *El Telégrafo* had a total of 15 stories and *El Universo* had a total of 19 stories, and both newspapers appeared to maintain an overall apparent compliance with the Communication Law's requirements. Here, the key developments reported

were Jorge Glas's arrest and the president's decision on who was going to take over the vice presidency.

However, on closer inspection, there were a few instances in the reporting where the lack of balance and equality of information presented in both newspapers was noticed. In one news report that discussed the judge's order to arrest Jorge Glas the text focused on the significance of the decision as well as what that meant for the country's politics and the Government. Here, Jorge Glas's view and stance on this event, even though reported, occupied significantly less space and is overshadowed by the judge's side of the situation. As well, the news reporting on Jorge Glas's replacement in the vice presidency left out his opinions or comments on that decision.

This reporting showed explicit signs that could be argued as disobedience to the Communication Law's requirements. Even though, at first glance, there seems to be overall apparent compliance, it is important to point out that these instances, given that the events reported showed more relevance than the rest of the stories published, represented more definitively the portrayal of Jorge Glas and his role in the Odebrecht case.

November

The most relevant event in this particular month is the judge's resolution to call Jorge Glas to trial, which lasted five days. During this month, there were 18 of stories in *El Universo* and 12 in *El Telégrafo*.

Of all the most relevant features to mention from both newspapers' reporting at this time was the attorney general's arguments claiming that Jorge Glas was guilty of illicit association in the Odebrecht case. On the 10th of November, a full page report describes the attorney general's position and the details from the documents which he

submits to the courts as proof. However, there is no reporting on the response from Jorge Glas or his defence.

On the 11th of November, *El Telégrafo* only published a small article describing Jorge Glas's declarations of defence against the attorney general's alleged proof. By contrast, *El Universo* focused its reporting on independent plaintiffs against Jorge Glas and their theories on how corruption acts were carried out. Both newspapers leave out Jorge Glas's side again and are therefore imbalanced and seem to be unlawful.

The judge announced that Jorge Glas would be called for trial on the 15th of November. On that date, *El Telégrafo* reported a summary of the reasons allowed that the trial to go ahead without acknowledging Jorge Glas's side. Similarly, *El Universo* reports the judge's reasons for taking Jorge Glas to trial and his defence's stance. It should also be noted that the former was longer than the latter. It can be argued that at that point, the reporting was not balanced and there were signs that could point to the newspaper's apparent editorial stance on this ongoing judicial process. The trial took place from the 25th to the 29th of November, during which time *El Universo* reported daily whereas *El Telégrafo* skipped the second day of trial. In their reporting, both newspapers narrated each session chronologically and showed apparent compliance with the law.

This month's reporting exemplifies how at this stage of the analysis, despite showing the newspapers' apparent disobedience the law and alluding to their stance during the development of the scandal, the evidence is not strong enough to confidently argue whether they do or not break the law. However, this also proves that the value of this stage of analysis is in the identification of those instances in the reporting. This is because these instances are more likely to reveal relevant and robust features that can support the building of a case on the role of the law in the news texts. In addition to the

previous reporting mentioned in this chapter, the reporting of the trial is another stage that will be revisited in next chapter's discourse analysis.

December

This month signifies the end of the case and the court's sentencing of Jorge Glas, with the 12 stories reported in *El Universo* and 9 in *El Telégrafo*. On the 8th of this month, the attorney general made a formal petition to the National Court to give Jorge Glas the maximum sentence for illicit association. Both newspapers report this development; however, *El Universo* published the news in one complete page, whereas *El Telégrafo* did it in a much smaller story. In terms of balance, *El Telégrafo* does mention both parties but went into more detail on the attorney general's rationale for his petition, reducing the reporting of Jorge Glas's defence to one line. By comparison, *El Universo* also reported on attorney general's rationale but did not report Jorge Glas's reaction to the attorney general's petition at all. It is also not acknowledged if Jorge Glas decided not to give declarations.

On the 14th of December both newspapers reported the court's decision to give Jorge Glas a six year prison sentence. *El Universo*'s reporting took up one page and gave details about the judge's arguments for the sentence, with Jorge Glas's reaction being acknowledged in the last few lines. On the other hand, *El Telégrafo* took up two pages for this story. It acknowledges the judge's arguments and reports the reaction of different actors involved in the process, including Jorge Glas, the attorney general, supporters and opponents. It could be suggested that *El Telégrafo*'s reporting of this event fits better into the law's framework and provided a complete coverage of the decision and how it affected all the parties involved during the event, including those who were not officially part of the case.

Summary

This first analysis shows that even though there are areas where a lack of compliance with the law was noticed, the news texts show apparent overall compliance with the Communication Law in the selected articles. Though on closer inspection, both newspapers suggest some lack of compliance in terms of balance in the reporting. *El Telégrafo* seems to fail more than *El Universo* in terms of balance and equality of content in September, when, during a court hearing, the Odebrecht's informant accused Jorge Glas of taking bribes. However, this changes in October in the reporting of the court's arrest of Jorge Glas. Here, *El Telégrafo* seems to be more balanced than in previous reporting, while *El Universo* shows the opposite.

Nevertheless, this stage has demonstrated that, unlike the presumptions expected, there seems to be an overall apparent compliance of the texts with the Communication Law in terms of balance of the texts and fairness of the reporting. In general, the news texts seem to give enough space to both parts of the reporting, and clearly label the news articles as information pieces or opinion pieces respectively.

Reporting of the notebooks scandal and its apparent compliance with the Ecuadorian Communication Law's Requirements

Now, this thesis moves on to carry out the normative analysis on the Argentinean reporting on the notebooks scandal. The newspapers considered in this analysis are *Clarín* and *Página 12*. Even though in Argentina there is no law specifically tailored for print news, the exercise of this task will reveal differences between the two countries that help the researcher draw conclusions on the reflection of the Ecuadorian Communication Law in the Ecuadorian news. In this task, the same aspects of the law were considered: coherence between headline and content, balance, news tagging, source tagging and presence of editorial position shown in the texts.

August

In this month, with a total of 28 stories in *Clarín* and 7 stories in *Página 12*, the notebooks scandal breaks out as a result of declarations made by Oscar Centeno, a private driver for public officials who worked closely with Cristina Fernández. In his declarations, he claimed that he wrote in a notebook about multiple meetings and cash transactions involving Cristina Fernández and public officials and business executives. The reasons for these actions were the assignment of public contracts in exchange of bribes. Consequently, these allegations ignited a legal investigation that meant the arrest of high-ranking public officials and private businessmen.

In this first look at the reporting, as previously mentioned, the most evident difference between the Argentinean newspapers and the Ecuadorian ones, is the absence of tagging in the articles as information (I) or opinion (O), or similar. In terms of similarities, *Clarín* would seem to also comply with the requirements of coherence between headline and content as well as the articles' tagging of sources. The texts explicitly mention the main sources of the actions being reported, such as the court's theories on the scandal or their rationales for certain decisions.

However, the news texts in *Clarín* also show a feature worth considering. This is the mentioning of Cristina Fernández and ministers of her government by name, role and/or rank but referring to others involved only as *empresarios* [businessmen]. For instance, on the 4th of August, at the beginning of the scandal, there are headlines such as *uno de los empresarios detenidos dará información sobre las coimas* [one of the arrested businessmen will give information on the bribes] or *revelan cuánto aportó cada empresario preso por el circuetio de los sobornos* [they reveal how much each arrested businessman gave in the bribing network]. These texts reveal a generic approach to the businessmen involved in the scandal, whereas the reporting of the politicians also

involved in the scandal uses a more pointed and specific approach. For example, on the same date there is also a story titled *en pleno escándalo, Cristina empezó a negociar un frente electoral con Moyano* [in the middle of the scandal Cristina started to negotiate an electoral alliance with Moyano]. Moreover, in a later issue, another headline reads *el empresario arrepentido aceptó que pagó coimas al segundo de De Vido* [the penitent businessman who accepted that he paid bribes to De Vido's second in charge]. De Vido is the last name of a public official aligned with Cristina Fernández's government.

These examples demonstrate that with regard to language in the notebooks scandals, *Clarín* uses general terms to refer to suspects that do not work for the government.

However, when referring to Cristina Fernández or others aligned with her government, there is a use of their exact names, roles and/or ranks. Even though, this could be due to the relevance of Cristina Fernández given her public position, it could potentially be seen as a divergence when compared to the law's requirement of balance or non-editorial position. The intention of this in texts may be to prime Cristina Fernández not only as the main suspect but to an extent, the only relevant suspect in this scandal.

By comparison, the main feature observed in *Página 12*, apart from the previously mentioned absence of tagging of the news texts, is the significantly lower number of stories reporting this scandal. Even though, in its reporting of the scandal, this newspaper also covers the same events as *Clarín*, it seems that it uses an angle that questions the legitimacy of the scandal. For instance, on the 4th of August, a headline occupying a whole page on the developments in the scandal reads "a 'lava jato' for the notebooks". The phrase 'lava jato' refers to a legal process in Brazil that was popular for being criticised as unfair and biased against left-wing politicians. If considered against the Ecuadorian Communication Law, this could be seen as the presence of institutional position in the sense that the newspaper shares its view of this case being

another attempt to affect Argentinean leftist politicians negatively. Though overall, this newspaper appears to share similarities with *Clarín* as it also seems to show apparent compliance on coherence between headline and content.

More relevant news can be found towards the middle of this month, when the reporting focuses on raids being executed as part of the investigation of the notebooks scandal. In *Clarín's* texts, even though most texts would seem to fit with the requirements of the Ecuadorian Communication Law, there are some exceptions. For instance, on the 13th of August, a full page story's headline reads *el relato de los cuadernos y todas las pruebas que complican a Cristina* [the tale of the notebooks and all the proof that puts Cristina in a difficult situation]. This could potentially be seen as divergence from the requirement of non-editorial position in the reporting as it shows perceptions regarding the validity of the alleged evidence against Cristina Fernández. By comparison, *Página 12's* texts seem to use language that either does not make claims, or uses claims made about people involved in the case. For instance, on the 13th and 14th of August, two *Página 12's* news headlines read *las páginas no escritas de los cuadernos* [the unwritten pages of the notebooks] and *CFK denunció persecución* [CFK denounced persecution]. A surface look at these texts would not suggest issues in terms of divergence with the Communication Law's requirements as they do not show explicit language that could be seen as unfair or a demonstration of the newspaper's stance on the case.

Towards the end of the month, more relevant reporting can be spotted. In this case, the news texts talk about the senate's decision to allow raids of Cristina Fernández's properties. This is an important development as being also a member of the senate, Cristina Fernández had political immunity, which could only be disabled through this process. Here, *Clarín* makes use of quotes and narrates how the session developed in

order to reach that decision. On the 23rd of August, two of *Clarín*'s headlines read *Cristina no pudo evitar el voto del senado para que el juez allane sus casas* [Cristina could not prevent the senate's vote for the judge to raid her houses] and *la expresidenta hizo un alegato: "no me arrepiento de nada de lo que hice* [the ex-president made an allegation "I do not regret anything I have done"]. By comparison, *Página 12*'s version of this reporting is only done through one story that reads "*es lo que faltaba para consagrar la persecución*" ["It is what was missing to consecrate the persecution"]. Though, this story seems to cover the senate's session, it also narrates chronologically how it developed and how the decision was reached. In these texts, this first exploratory analysis does not seem to show significant signs of divergence with the law. The reason for this is that both texts use quotation marks to acknowledge that they are sharing other people's claims, and there is no explicit language that could be considered unfair or evidence of editorial stance on the case reported.

In August, the key developments that will be considered in the discourse analysis chapter are:

- Oscar Centeno breaks the scandal and declares before a judge.
- The judicial system argues that Cristina Fernández is a main actor in the scandal.
- More suspects accuse Cristina Fernández of being involved in the notebooks scandal.
- Cristina Fernández officially responds to allegations against her.
- Raids are carried out at properties of people close to Cristina Fernández.
- The senate votes and agrees to raid Cristina Fernández's properties as part of the investigation of the notebooks scandal.

September – October

Over these two months, the reporting of the notebooks scandal decreases considerably in comparison to August. The few stories that appear during this time, centre mainly on suspects that did not hold high ranking positions in Cristina Fernández's government.

Relevant reporting involving Cristina Fernández appears again in mid-October, when on the 12th of October, both *Clarín* and *Página 12* publish their own stories on the attorney general's formal petition to the federal chamber to arrest Cristina Fernández. *Clarín's* headline reads *el fiscal Moldes solicitó a la Cámara Federal la "inmediata detención" de Cristina* [Attorney General Moldés requested the Federal Chamber the "immediate detention" of Cristina]. This story is followed by another that acknowledges Cristina Fernández's response to the attorney general, whose headline reads *Cristina: "Frenamos el tarifazo y responden pidiendo mi detención"* [Cristina: "we stopped the tarifazo and they respond by asking my detention"]. Each one of these *Clarín* stories occupy one full page and since they report on the same event, they could be considered together as providing balance in their reporting. Additionally, the structure of these texts attributes the actions to those who made them, such as the use of the term *requested*, or quotation marks. By comparison, *Página 12* covers this news but instead in one story, as seen in past reporting. This story's headline reads *un nuevo pedido contra CFK* [a new request against CFK]. Even though it is shorter, this text seems to also give balance by detailing Moldés's and Cristina Fernández's views in the sub-headline. Additionally, *Página 12's* language does not seem to show features that could be considered to diverge from the requirements of the Ecuadorian Communication Law.

November

This final month in the coverage of the scandal, shows the reporting by the newspapers on a judge's decision to not consider Cristina Fernández a suspect anymore in an ongoing corruption case. It is important to note that at the time of this study, the case of the notebooks is still an ongoing judicial process. Therefore, this serves as a useful closing point for the timeframe considered in the analysis of the newspapers reporting. On the 10th of November, *Clarín's* reporting of this event shows the headline *el juez Casanello dejó a Cristina fuera de la causa de la ruta del dinero K* [judge Casanello left Cristina out of the case on the route of K money]. By comparison, *Página 12's* headline reads *sin pruebas contra CFK* [without proof against CFK]. Both of these stories attribute the decision to the judge and provide the judge's rationale for their decision. When compared, it seems that *Página 12's* language seems to be less contextualised than *Clarín's*, as the latter refers specifically to the name of the judge and the case being reported. However, at this stage of the analysis, none of the language seems to show explicit signs of unfairness or unbalance, suggesting an apparent adherence to the Communication Law's requirements.

The most relevant developments that were selected to be considered in the discourse analysis were:

- Attorney General requests the arrest of Cristina Fernández on the notebooks scandal.
- A judge declares Cristina Fernández not to be an ongoing suspect.

Summary

The normative analysis of the Argentinean news texts against the Ecuadorian Communication Law provided, in general, similar results to the Ecuadorian news texts.

The Argentinean news texts seem to show an overall fitting with the articles of the Ecuadorian Communication Law, besides a few exceptions. The significant differences at a surface level between these two cases are: first, the absence of tagging in the Argentinean news texts, and second, the lower overall number of stories reporting the case. The first feature seems to be a product of the presence of the law, only current in Ecuador. However, attempting to theorise the reasons behind the intensity of the Argentinean reporting is challenging as they respond to several specific circumstances, including the country's political context and the journalists' news judgement.

At this stage, it is important to remember that this normative analysis only offers a general overview of the texts' features. In this regard, the apparent fitting of these texts with the Communication Law begs the question on whether the use of language and the meanings conveyed also fits with the Ecuadorian policy. Consequently, it seems that these news texts need to be analysed in more depth in order to make sense of the approach they have to the notebooks scandal and whether at that level they still show accordance with the Ecuadorian Communication Law.

Concluding thoughts

This chapter detailed the steps taken in the analysis of the first cycle of this research, which consisted of a normative analysis. Here, the regulated news texts of the Odebrecht scandal were measured against unregulated news texts of the notebooks scandals using the articles of the Ecuadorian Communication Law. In this analysis, the intention was to observe the surface features of the texts in an attempt to see whether they fit the law's requirements or not in their reporting with Jorge Glas and Cristina Fernández as the central focus in each country.

It is important to note that these preliminary results offer only a general overview of both newspapers' reporting and demonstrate that the examination of the news texts needs a more thorough and detailed language approach. This is because even though this stage suggests an accordance between the news texts and the law, the suggestions made in terms of balance or fairness of information, as well as absence of editorial position in the articles, are based on a normative analysis. More specifically, a normative analysis that is conducted with a focus on surface features that the Communication Law prioritises; the structural features of the news rather than their content. This is likely to result in the overlooking of significant features when transmitting messages that shape the image of the topics being reported. For example, the balance of content does not only respond to the space given to each part of the reporting but also to the way each of the parts are addressed. As well, the newspapers' editorial position is a feature more likely to be implicit in the texts rather than be easily observed. This makes it necessary to analyse the information presented from a perspective that identifies patterns in the language features and can suggest whether they are, indeed, balanced, fair or impartial. Therefore, what is required is an approach that identifies patterns in the use of language. This approach needs to consider not only the nature of the events reported, but also the media systems they are under, and any other aspects that may affect the newspapers' appreciation of the news. The discourse analysis of these texts, to be discussed in the next chapter, attempts to find any significant features that could contribute to answering the research questions proposed.

Chapter V: Discourse Analysis

This chapter explores in detail the language used in the reporting of the Odebrecht scandal in Ecuador and the notebooks scandal in Argentina. Specifically, this analysis highlights language patterns in the reporting that suggest encoded ideologies and views on the development of the legal process of both cases. In this cycle, the analysis examines in-depth the language patterns in the Ecuadorian reporting against the Argentinean reporting in order to theorise the extent to which the differences may be due to the presence of the Ecuadorian Communication Law.

Odebrecht Scandal - Ecuador

In this section, the first part of the discourse analysis focuses on the reporting of the Odebrecht case in *El Universo* and *El Telégrafo*, while the second part moving on to look at the notebooks scandal from Argentina. The texts were examined in terms of how transitivity and modality, the use of verbs and adjectives, and narrative were managed throughout. This section shows the textual features progressively as the reporting develops, while the narrative analysis is presented at the end of each case study. This is because the full picture of the development of the scandal is needed to understand how the story was told in each newspaper.

As mentioned before, the examination of these two case studies aimed to answer the research question: *what are the differences between the reporting in regulated and unregulated news media?* Consequently, this type of analysis helped this study account for textual features that may be challenging to assess through the use of legislation alone. Additionally, the findings in this stage helped set up topics of discussion for the future interviews, with journalists that were involved in the analysed news texts.

In order to do this, this analysis divided the reporting into three phases, which took into account the development of the case. Phase 1 covered the moment Jorge Glas was suspended from his role until the moment he became an official suspect in the case. Phase 2 began with his actions in the case until the moment when the court issued an order of arrest against him. Finally, Phase 3 began when the attorney general officially accused him of illicit association and finished when the court imposed a sentence of six years of prison time on him. It was expected that each stage would show different discursive practices as they have different features. For instance, in Phase 1, Jorge Glas had political immunity, which would not allow any concrete legal action against him. However, in Phase 2 he lost it and is investigated without any political privileges. Lastly, Phase 3 represented the trials where the plaintiffs and the defendants had to see each other in court.

In each phase, the stories reporting key developments were selected with the intention of increasing the possibilities of finding discourse features. This led to thirty-five stories being selected for this analysis, which were divided as follows:

Phase 1

El Universo: 4 stories.

El Telégrafo: 4 stories.

Phase 2

El Universo: 6 stories.

El Telégrafo: 6 stories.

Phase 3

El Universo: 9 stories.

El Telégrafo: 7 stories.

In order to have a clear view of where the following texts are situated and what newspaper they belong to, the news texts analysed were organised as follows:

El Universo stories were tagged with the code EL followed by a number that corresponded to their date of publication e.g., EL1 corresponds to the first news report concerning the Odebrecht scandal published by *El Universo*.

El Telégrafo stories were tagged with the code ET followed by a number that corresponded to their date of publication e.g., ET1 corresponds to the first news report concerning the Odebrecht scandal published by *El Telégrafo*.

In order to identify the positioning of the texts in the news, front page headlines are written in capital letters and in bold, non front-page headlines are written in sentence case and in bold, sub headlines are written in italics, and leads are written in sentence case.

Findings in phase 1. El Universo

Headlines and subheadlines.

(4/08/2017) **EL1: DESPOJADO DE FUNCIONES, GLAS SE AFERRA A LA VICEPRESIDENCIA.** *Con un decreto, Moreno lo dejó sin tareas. Incluso sin poder usar el avión presidencial. Glas no cumplirá ninguna función en el actual régimen. Dignatario dice que seguirá hasta el final. Moreno le retiró por segunda ocasión atribuciones y el vicepresidente cree que es retaliación.*

[EL1: STRIPPED OF HIS DUTIES, GLAS CLINGS TO THE VICE PRESIDENCY. *With a decree, Moreno left him without duties. Even without being able to use the presidential plane. Glas will not do any tasks in the current government. The dignitary says he will keep going until the end. Moreno took away attributions from him for the second time and the vice president believes it is retaliation.]*

(22/08/2017) **EL2: FISCAL CREE TENER YA VÍNCULOS ENTRE GLAS Y CASO ODEBRECHT.** *Ex vicepresidente Roldós dice que no se requiere aprobación legislativa. El vicepresidente pide a assembleístas que se autorice a Baca Mancheno iniciar instrucción. Fiscalía vinculará a Jorge Glas por su supuesta asociación ilícita. Declaración del exsecretario Alexis Mera fue clave en la decisión de Diana Salazar.*

[EL2: ATTORNEY GENERAL BELIEVES THAT HE ALREADY HAS LINKS BETWEEN GLAS AND ODEBRECHT CASE. *Ex Vice President Roldós says that legislative approval is not required. The vice president asks legislators to authorise Baca Mancheno to initiate the process. Attorney general will implicate Jorge Glas for his alleged illicit association. Declaration of the ex-secretary Alexis Mera was key in Diana Salazar’s decision].*

(24/08/2017) **EL3: BLOQUE CORREÍSTA VIABILIZARÁ O NO MAÑANA LA CAUSA PENAL A GLAS.** *Asamblea sesionará sobre pedido de la corte desde las 15:00. La oposición, con 63 legisladores del PSC, CREO, SUMA e Integración Nacional, ratificó que autorizará enjuiciamiento. Asamblea pone a prueba mañana su apoyo a investigación o a Glas. Instrucción fiscal vence 1 de septiembre y audiencia debe darse hasta el 29 de agosto. El Presidente de la Asamblea convocó para mañana a las 15:00 al Pleno para tramitar el pedido.*

[EL3: CORREA’S BLOCK WILL ALLOW, OR NOT, TOMORROW THE PENAL PROCESS FOR GLAS. *The Assembly will have a session on the court’s request from 15:00. The opposition, with 63 legislators from PSC, CREO, SUMA and Integración Nacional, ratified that they will authorise the lawsuit. Tomorrow, Assembly tests support to investigation or Glas. Attorney general’s instruction finishes 1st of September and the hearing should be on the 29 of August at the latest. The president of the Assembly called the legislature tomorrow at 15:00 to process the request.]*

(26/08/2017) **EL4: JORGE GLAS, ANTE LA JUSTICIA.** *Por unanimidad, la Asamblea Nacional dio paso a proceso. Vía libre para el enjuiciamiento penal del segundo mandatario. Una hora duró la sesión plenaria en la Asamblea.*

[EL4: JORGE GLAS, BEFORE JUSTICE. *Unanimously, the National Assembly authorised the process. Free way for the criminal lawsuit against the second in charge. The legislature session lasted one hour].*

Note: The text in bold and capital letter are front-page headlines. The text in bold are headlines. The text in italics are sub-headlines.

Phase 1 of the timeline in this analysis starts when Jorge Glas is suspended from his duties by the President Lenín Moreno as the Odebrecht scandal broke out until the moment the legislature voted to take away his immunity to officially implicate him in the process.

Situations of high political tension like this, where one side benefits more than the other, make it challenging for journalists’ to be impartial while also help the reader understand the political events happening. In this phase, *El Universo* clearly struggled to keep an impartial view. This is evident in its consistent use of evaluative language in verbs and adjectives. This can be seen in phrases and terms such as *se aferra a la*

vicepresidencia [clings to the vice presidency] (EL1), *correísta* [Correa's supporter] (EL3), *Asamblea pone a prueba mañana su apoyo a investigación o a Glas* [Tomorrow, assembly tests its support to investigation or Glas.] (EL3), *Jorge Glas ante la Justicia* [Jorge Glas, before justice] (EL4) and *Vía libre para el enjuiciamiento penal del segundo mandatario* [Free way for the criminal lawsuit of the second in charge] (EL4). The verb *aferra* [cling], transmits Jorge Glas's lack of power and diminishes him by acknowledging his desire, against all odds, to stay in his position even after having lost his power. *Correísta*, refers to supporters of Rafael Correa, the ex-president who publicly advocated for Jorge Glas's innocence and the party's leader. EL3 only mentions them as the decision makers, which could be considered a warning that the legislative party in question could make biased decisions as natural supporters of Jorge Glas. The headline *Tomorrow, Assembly tests its support to investigation or Glas* (EL3) puts the investigation and Jorge Glas on opposing sides, implying that he did perform wrongful actions and the decision not to investigate him would be synonymous with not collaborating with justice. This becomes clearer with the phrase *Jorge Glas, before justice* (EL4), which implies Jorge Glas's guilt, as if he was finally was being held accountable for wrong-doing. This overlooks any presumption of innocence attributed to him. Lastly, the term *free way* (EL4) connotes that there are no more obstacles for the prosecution of Jorge Glas, suggesting that he lost all of his defence resources.

El Universo's political perspective is also evident in the way it reports speech. EL2 centres on the attorney general, who is the one in charge of the investigation of the case. The main headline uses reported speech; however, it does not use reporting verbs that separate the writer from the information, such as *says* or *claims*. In fact, the phrase *the attorney general believes to have* suggests that the speaker shares what is being said as the text is not shown as a quote.

Reported speech is also visible in EL2's front-page sub headline, which shows a source saying that it is not required that the assembly authorises the process for Jorge Glas, which may undermine said request. Additionally, the lead quotes the term *conviction elements* to report the attorney general's rationale to ask for Jorge Glas to be officially implicated. Here, in contrast to past reporting, the use of quotes reflects the writer assigning the term to the attorney general. Though, this may be due to the use of legal terms, where the meanings may be different from their regular use.

This lack of separation between the writer and the actors being reported is also noticed through modality. This is shown in EL1 and EL2's non front page headlines *Glas no cumplirá ninguna función en el actual régimen* and *Fiscalía vinculará a Jorge Glas por su supuesta asociación ilícita* [Glas **will not** do any tasks in the current government, attorney general **will** implicate Glas]. The use of *will* instead of *may* or *could*, reflects the writer's view that Jorge Glas has no control over his legal situation and the events to come are not subject to change.

The transitivity analysis shows that in this phase Jorge Glas is mostly used as the object in the sentence structures, e.g. *attorney general implicate Jorge Glas* (EL2), *Criminal lawsuit against Glas* (EL4), *support or investigation against Glas* (EL3), *Jorge Glas, before justice* (EL4). Only two sentences put him as the subject, however, they do so with negative information against him: *Glas will not do any tasks in the current government*, *Glas clings to the vice presidency* (EL1). Moreover, the sub headline in EL2's content story adds Alexis Mera, who was politically close to Jorge Glas, as an important actor in the case against him. In terms of transitivity, this is a sign of how actors other than Jorge Glas are perceived by the writer. Mera's mention strengthens the idea that Jorge Glas deserves to be investigated as this reporting implies that his own team speaks against him.

Leads.

EL1: DESPOJADO DE FUNCIONES, GLAS SE AFERRA A LA PRESIDENCIA [STRIPPED OF HIS DUTIES, GLAS CLINGS TO THE VICE PRESIDENCY]

“Seguiré siendo el vicepresidente”, dijo ayer en la tarde Jorge Glas Espinel. Así respondió al Decreto Ejecutivo N 100 mediante el cual el presidente Lenín Moreno le retiró las funciones que le había asignado al inicio del mandato, el que le encargó el Consejo Sectorial de la Producción, el comité para la reconstrucción de las zonas afectadas por el terremoto del año pasado, entre otros.

[“I will keep being vice president”, said Jorge Glas Espinel yesterday afternoon. That was his answer to the Executive Decree N 100 through which the president Lenín Moreno took away the duties he was assigned to in the beginning of his term in office, which were the Production Council, the committee for the re building of the earthquake affected zones last year, and others.]

Glas no cumplirá ninguna función en el actual régimen [Glas will not do any tasks in the current government].

Desde hoy, el vicepresidente de la República, Jorge Glas, continuará en el cargo, pero sin ninguna función administrativa, por disposición del presidente Lenín Moreno, que ayer le retiró las últimas atribuciones que le otorgó en mayo pasado, cuando asumieron el mandato hasta el 2021.

[From today, the vice-president of the Republic, Jorge Glas, will keep his position, but without any administrative functions, disposed by the president Lenín Moreno, who yesterday took away the last attributions that he gave to him last May, since they took office until 2021.]

EL2: FISCAL CREE TENER YA VÍNCULOS ENTRE GLAS Y CASO ODEBRECHT [ATTORNEY GENERAL BELIEVES THAT HE ALREADY HAS LINKS BETWEEN GLAS AND ODEBRECHT CASE].

El fiscal general del Estado Carlos Baca Mancheno, anunció que pedirá a la Corte Nacional de Justicia convocar a una audiencia de vinculación en el caso Odebrecht contra el vicepresidente sin funciones Jorge Glas. Sin embargo, señaló que para ello requiere la autorización de la Asamblea Nacional con al menos 91 votos.

[The Attorney General Carlos Baca Mancheno, announced that he will ask the National Court of Justice to call for a hearing for implication in the Odebrecht case, against the Vice President without duties Jorge Glas. However, he pointed out that for that to happen, the National Assembly’s authorisation with at least 91 votes is required].

Fiscalía vinculará a Jorge Glas por su supuesta asociación ilícita [Attorney general will implicate Jorge Glas for his alleged illicit association].

En varios “elementos de convicción” o indicios contra el vicepresidente Jorge Glas se sustentó la fiscal de Pichincha, Diana Salazar, para inhibirse de proseguir con el trámite del proceso por supuesta asociación ilícita, que es parte del caso Odebrecht, y pedirle a la Fiscalía General que solicite a la Corte Nacional de Justicia definir fecha y hora para realizar una audiencia de vinculación.

[On various “elements of conviction” or clues against the Vice President Jorge Glas, the District Attorney of Pichincha, Diana Salazar, based on to inhibit from continuing the process for alleged illicit association, which is part of the Odebrecht case, and ask the attorney general

to request the National Court of Justice to set up a date and time to do a hearing of implication.]

EL3: BLOQUE CORREÍSTA VIABILIZARÁ O NO MAÑANA LA CAUSA PENAL A GLAS [CORREA'S BLOCK WILL ALLOW, OR NOT, TOMORROW THE PENAL PROCESS FOR GLAS].

Mañana se hará pública la decisión de Alianza PAIS en torno al pedido de la Corte Nacional de Justicia de que se autorice la vinculación penal por supuesto delito de asociación ilícita al vicepresidente Jorge Glas en el caso Odebrecht.

[Tomorrow the Alianza PAIS's decision on the request from the National Court of Justice to authorise criminal implication for the alleged crime of illicit association against the Vice President Jorge Glas in the Odebrecht case will be public.]

Asamblea pone a prueba mañana su apoyo a investigación o a Glas [Assembly tests tomorrow support to investigation or Glas].

El bloque Alianza PAIS entró a una puja interna de votos frente al pedido de la Corte Nacional de Justicia de que se autorice la vinculación penal por supuesto delito de asociación ilícita al vicepresidente de la República Jorge Glas, dentro del caso de corrupción de Odebrecht.

[Alianza PAIS block entered into an internal voting tension in the National Court of Justice's request to authorise the criminal implication for the alleged crime of illicit association against the Vice President of the Republic Jorge Glas, in the Odebrecht corruption case.]

EL4: JORGE GLAS, ANTE LA JUSTICIA [JORGE GLAS, BEFORE JUSTICE].

La pantalla electrónica de la Asamblea Nacional se pintó ayer toda de verde: los 128 asambleístas presentes votaron a favor del texto planteado por el presidente de la Legislatura, José Serrano (AP), que autoriza a la Fiscalía General del Estado a vincular al vicepresidente de la República, Jorge Glas, por supuesta asociación ilícita en el caso Odebrecht.

[The electronic screen of the National Assembly was all green yesterday: the 128 present legislators voted in favour of the proposed text by the legislature's president, José Serrano (AP), that authorises the attorney general implicate the Vice President of the Republic, Jorge Glas, for alleged illicit association in the Odebrecht case.]

Vía libre para el enjuiciamiento penal del segundo mandatario [Free way for the criminal lawsuit against the second in charge]

En medio de una accidentada sesión y sin debate, la Asamblea Nacional dio paso ayer para que el fiscal general del Estado formule cargos e inicie un proceso judicial en contra del vicepresidente de la República, Jorge Glas, por supuesta asociación ilícita en el caso Odebrecht, investigada por corrupción.

[In a troubled session and without debate, the National Assembly allowed the attorney general to press charges and start the legal process against the Vice President of the Republic, Jorge Glas, for alleged illicit association in the Odebrecht case, investigated for corruption.]

Note: In the above texts, the headlines have been included to serve as reference for each lead.

El Universo's apparent positioning against Jorge Glas can also be observed in the lead text. In the leads of the articles analysed there were elements in the selection of nouns

and use of reported speech that suggested a negative framing towards Jorge Glas, even though the information seemed to be more factual than the headlines.

The lead in EL1 front-page story starts with a Jorge Glas's quote "*seguiré siendo vicepresidente*" ["I will keep being vice president"]. Even though this acknowledges his response, the selection and placement of this quote after the headline could be interpreted as a demonstration of his stubbornness, disobedience and defensive attitude towards the president. Additionally, the lead says *desde hoy, el vicepresidente de la República, Jorge Glas, continuará en el cargo, pero sin ninguna función administrativa* [From today, the Vice President of the Republic, Jorge Glas, will continue in his position, but without any administrative functions]. This text builds up against Jorge Glas by emphasising that he will keep his position even though he is not doing anything in it. Given that this text is not an explanation of why he was relieved of his functions or duties, the reader is left to assume the reasons. Seeing how the headline and sub-headline are written, it is fair to assume that Jorge Glas is, in fact, guilty, which, in turn, makes his intention to hang onto the vice presidency unpleasant. In EL2, the lead quotes the term "*elementos de convicción*" ["conviction elements"] to report the attorney general's rationale in asking for Jorge Glas to be officially implicated. Here, in contrast to past reporting, the use of quotes reflects the writer's assignment of the term to the attorney general, which increases the validity of the term and the credibility of the speaker. This suggests a degree of inclination towards Jorge Glas's culpability. EL3 highlights Alianza PAIS, Jorge Glas's party, as the party with the ultimate decision on implicating Jorge Glas or 'not' with the texts *Mañana se hará pública la decisión de Alianza PAIS en torno al pedido de la Corte Nacional de Justicia de que se autorice la vinculación penal por supuesto delito de asociación ilícita al vicepresidente Jorge Glas* [Tomorrow, Alianza PAIS's decision on the National Court of Justice's request to

authorise the penal implication of Jorge Glas for the alleged crime of illicit association will be made public] and *el bloque Alianza PAIS entró a una puja interna de votos frente al pedido de la Corte Nacional de Justicia* [The Alianza PAIS block got into an internal argument on the National Court of Justice's request]. These overshadow other legislators and puts all the responsibility of Jorge Glas's legal process onto his own team, which connotes the decision to investigate or not investigate him as an act to protect, or not, a criminal.

Lastly, EL4's lead focuses and follows the headline's frame on the implication of Jorge Glas, even though it starts by priming that the session was *troubled* and *without debate*. After having seen previous reporting attribute the decision to Jorge Glas's party, it can be suggested that these terms also belong to the same party. Although the decision was what previous reporting predicted, this text does not show it as a result of the collaboration between different political parties, but rather the opposite.

Findings in phase 1. El Telégrafo

Headlines and subheadlines.

(4/08/2018) **ET1: JORGE GLAS SE QUEDA SIN FUNCIONES.** *El vicepresidente asegura que se moverá por tierra. El presidente Lenín Moreno derogó el decreto que otorgaba tareas al Segundo Mandatario. Vicepresidente seguirá en su despacho. Él dice que no renunciará. El Segundo Mandatario estaba al frente del Comité de Reconstrucción de Manabí, del consejo consultivo tributario y de un área del Ejecutivo enfocada en la producción. Jorge Glas dijo que seguirá en contacto con la ciudadanía. Reclamó porque le prohibieron utilizar el avión presidencial, pero afirmó que recorrerá el país por las carreteras que construyó la Revolución Ciudadana.*

[JORGE GLAS IS LEFT WITHOUT DUTIES. *The vice president claims that he will move on land. President Lenín Moreno abolished the decree that assigned duties to the second in charge. Vice president will stay in his office. He says he will not quit. The second in charge was the head of the committee of the Manabí province reconstruction, the tax advisory council and an area of the executive assigned to production. Jorge Glas said that he will keep being in touch with the citizens. He complained because they forbade him to use the presidential plane, but assured that he will go around the country on the road that the Citizen Revolution built.]*

(22/08/2017) **ET2: FISCALÍA SOLICITA A CORTE NACIONAL VINCULAR A GLAS EN CASO ODEBRECHT.** *El vicepresidente pidió a los legisladores de Alianza Pais que acepten el proceso.*

Carlos Baca efectuó el anuncio en una conferencia de prensa. La Asamblea Nacional debe autorizar un eventual juicio con el voto de más de 91 legisladores. Vicepresidente solicitó al bloque de Alianza PAIS que facilite el acceso al juicio. El Fiscal anunció un pedido de audiencia de vinculación, en una conferencia de prensa. El pedido, según Carlos Baca, se sustenta en elementos recabados en la instrucción. El titular del Legislativo anunció que tan pronto se notifique a la Asamblea procesará la solicitud.

[ATTORNEY GENERAL REQUESTS NATIONAL COURT TO IMPLICATE GLAS IN ODEBRECHT CASE. *The vice president asked Alianza Pais legislators to accept the process. Carlos Baca made the announcement in a press conference. The National Assembly must authorise the eventual trial with the vote of more than 91 legislators. Vice president asked Alianza PAIS block to facilitate the access to lawsuit. The attorney general announced a request for an implication hearing. The request, according to Carlos Baca, is supported by elements found during the instruction phase. The head of the parliament announced that as soon as the assembly is notified the request will be processed.]*

(24/08/2017) ET3: La Asamblea decidirá mañana si autoriza juicio penal contra Glas. La corte nacional de justicia remitió la solicitud al titular del legislativo. En el pedido de la corte se adjuntaron 9 elementos de convicción. El bloque Alianza PAIS acogerá pedido del vicepresidente.

[The Assembly will decide tomorrow if it authorises the criminal lawsuit against Glas. *The National Court of justice sent the request to the head of the legislature. In the court's request 9 elements of conviction were attached. The Alianza PAIS block will consider the Vice president's request.]*

(26/08/2017) ET4: ASAMBLEA DA PASO AL JUICIO PENAL PARA GLAS. En una sesión corta, donde no hubo lugar a debates, se aprobó el pedido de la Fiscalía para vincular al vicepresidente en el caso Odebrecht. Glas ahora está en manos de la Corte de Justicia. Asambleaístas instaron a estar atentos a la actuación de los entes legales. La oposición lamentó que no se haya debatido la resolución. PAIS dijo que eso hubiera llevado al "show político".

[ASSEMBLY GIVES WAY TO THE CRIMINAL LAWSUIT FOR GLAS. *In a short session, where there was no place for debate, the attorney general's request to implicate the Vice president in the Odebrecht case was approved. Glas is now in the hands of the Court of Justice. Legislators urged to be aware of the legal bodies' actions. The opposition regretted that the resolution was not debated. PAIS said that it would have led to a "political show"].*

Note: The text in bold are headlines and the text in italics are subheadlines.

By comparison, *El Telégrafo* seems to show, at this stage, a more concrete and objective approach to reporting with low modality or evaluative language. The only sign of evaluative language is in ET4's non front page headline *Glas ahora está en manos de la justicia* [Glas is now in the hands of justice], which connotes Jorge Glas's lack of power in the decision. However, *El Telégrafo's* use of reported speech stands out as a significant difference from *El Universo*. It has low modality and uses words

that create concrete distance between the sources' claims and the writer, avoiding the presence of judgment in its facticity. For instance, ET1's content headline uses reported speech to acknowledge Jorge Glas's response to being stripped of his duties. The line *él dice que no renunciará* [he (the vice president) says that he will not resign] shows Jorge Glas as defiant rather than disobedient. Here, the use of an indirect quote separates the quote from the writer and reflects the meaning of Jorge Glas's comments rather than his actual words, which is explained by the sub headline text citing his comments on his contact with people and travelling by land (Cappelen, 1997). In ET2, *El Telégrafo*'s uses the verb *solicitar* [request], as opposed to *vinculará* [will implicate] as used by *El Universo*. This seems more accurate as it conveys that the attorney general must get authorization from the legislature. The sub headlines and the lead also expand on the rationale for the decision and Jorge Glas's request to authorize the process, adding to the fact there are also no evaluative terms used.

Another significant difference between the two newspapers is the addressing of the Assembly in ET3, which contrasts the highlighting of Jorge Glas's party by *El Universo*. In this example, *El Telégrafo* mainly refers to the whole Assembly in charge of the decision, including *Alianza PAIS*. This puts the responsibility of the decision on all the legislators, in contrast to *El Universo* reporting. However, this headline also shows relatively high modality in *El Telégrafo*'s use of the term *decidirá* [will decide], which is similar to *El Universo*'s verb choice and also connotes the lack of power that Jorge Glas has over the decision. In ET4, even though *El Telégrafo* does mention that there was no debate in the legislature session, it does not use any conflictive terms similar to *troubled*. Nevertheless, it does address certain political tensions in regards to the execution of Jorge Glas's legal process and discontent over the absence of debate: *Asambleístas instaron a estar atentos a la actuación de los entes legales. La oposición*

lamentó que no se haya debatido la resolución. PAIS dijo que eso hubiera llevado al “show político” [Legislators urged to be aware of the legal bodies’ actions: ‘The opposition regretted that the resolution was not debated. PAIS said that it would have led to “political show”].

Leads.

ET1: Vicepresidente seguirá en su despacho. Él dice que no renunciará [Vice president will stay in his office. He says he will not quit].

El vicepresidente de la República, Jorge Glas, quedó sin funciones. Así lo dispuso el presidente Lenín Moreno a través del Decreto Ejecutivo 100 que emitió ayer.

[The Vice President of the Republic, Jorge Glas, was left without duties. That was president Lenin Moreno’s disposition through the executive decree 100 that released yesterday.]

ET2: Vicepresidente solicitó al bloque de Alianza PAIS que facilite el acceso al juicio [Vice president asked Alianza PAIS block to facilitate the access to lawsuit].

El fiscal general del Estado, Carlos Baca Mancheno, pedirá a la Corte Nacional de Justicia (CNJ) una audiencia de vinculación contra el vicepresidente de la República, Jorge Glas Espinel, por el presunto delito de asociación ilícita, dentro del caso Odebrecht.

[The Attorney General, Carlos Baca Mancheno, will ask the National Court of Justice (CNJ) for a hearing for the implication of the Vice President of the Republic, Jorge Glas Espinel, for the alleged crime of illicit association, in the Odebrecht case.]

ET3: La Asamblea decidirá mañana si autoriza juicio penal contra Glas [The Assembly will decide tomorrow if it authorises the criminal lawsuit against Glas].

Mañana la Asamblea Nacional definirá el futuro del vicepresidente de la república, Jorge Glas. El titular del Legislativo, José Serrano, convocó al pleno para decidir si autoriza a la Corte Nacional de Justicia (CNJ) la audiencia de vinculación penal en contra del Segundo Mandatario.

[Tomorrow the National Assembly will define the future of the Vice President of the Republic, Jorge Glas. The leader of the legislature, José Serrano, called for a meeting to decide whether to authorise the National Court of Justice (CNJ) a hearing for the criminal implication of the second in charge.]

ET4: Glas ahora está en manos de la Corte de Justicia [Glas is now in the hands of the Court of Justice].

En una jornada sin opción al debate, la Asamblea Nacional autorizó este jueves a la Corte Nacional de Justicia (CNJ) el proceso de juicio penal en contra del segundo mandatario, Jorge Glas, luego de que Miguel Jurado Fabara, juez nacional de la Sala Especializada de lo Penal de la CNJ, encargado de tramitar la causa, enviara (el pasado miércoles) el pedido a la Asamblea.

[In a session without debate, last Thursday the National Assembly authorised the National Court of Justice (CNJ) the process for a criminal lawsuit against second in charge, Jorge Glas,

after Miguel Jurado Fabara, national judge in the Criminal section of CNJ, in charge of processing the case, sent (last Wednesday) the request to the Assembly.]

Note: the headlines are in bold and serve as a reference for the leads. Below the headlines, the leads are shown in their original language, with their translation in English in brackets.

Similar to the headlines and sub headlines, the leads in *El Telégrafo*'s reporting also show an overall factual reporting of the development of the process involving Jorge Glas. There is concrete attribution of actions and claims mentioned in the titles and there is significantly less evaluative language. There is also a clear addressing of key legal terms relevant to the scandal, such as *alleged illicit association* or *executive decree 100*. These signs could suggest that, in this phase, *El Telégrafo*'s reporting is more neutral than *El Universo*'s.

Signs of evaluative language and modality in these leads are also minimal, which could be seen as taking care in the selection of the language, or an attempt not to lead the audience into interpreting the news inaccurately. ET3 shows the only piece of evidence of evaluation in this phase: *Mañana la Asamblea Nacional **definirá** el futuro del vicepresidente de la república, Jorge Glas* [Tomorrow the National Assembly **will define** the future of the Vice President of the Republic, Jorge Glas], which builds up on the notion that the legislature has power over Jorge Glas without suggesting a positive or negative outcome. There are two possible reasons for these findings: one is the public nature of the newspaper (that wants to be seen as nonpartisan) and the other is that it is a government tool that may not have authorisation for reporting that could affect the vice president negatively.

What does this mean in terms of the Communication Law?

During Phase 1 of this analysis, several textual features have come to light that could be challenging to assess against the law as, while they do show patterns of tendencies

against Jorge Glas, they do not show any strong language explicitly claiming his culpability or innocence. None of the news texts analysed showed defamatory language nor did they reveal omission of information. However, while *El Telégrafo* manages neutral language, the texts in *El Universo* use evaluative language that delegitimises Jorge Glas's attempts to keep his vice president position and defend the allegations against him. This teases out issues on how this reporting can be assessed by taking the law as the parameter to follow. The information in both newspapers is indeed factual and does cover all the parts involved in the news, which may be the reason why the normative analysis did not find many instances where the law was not followed.

The questions raised in this phase are whether the evaluative language used and the texts' consistency in its treatment of Jorge Glas can be assessed against the law or not, and if so, do they fit with it. This is certainly a process that would be affected by the views of the body that enforces the Communication Law as well as the writers' justification for the news reports. It also may result in subjective decisions affected by other factors, including their political ideologies and their views on the topic reported.

Findings in phase 2. El Universo

Headlines and subheadlines.

(30/08/2017) **EL5: JORGE GLAS, IMPEDIDO DE SALIR DEL PAÍS, ES PARTE DEL CASO ODEBRECHT.** *Juez de la corte nacional acogió el pedido del fiscal general. El vicepresidente señaló que no huirá y que enfrentará a la justicia. El delito en el que se lo involucra es el de asociación ilícita. Segundo mandatario no acudió a la audiencia, mandó a su abogado. Juez prohíbe a Glas salir del país mientras se lo investiga. Fiscalía presentó elementos de convicción en audiencia. El juez Miguel Jurado vinculó a once personas más en el proceso de asociación ilícita dentro del caso Odebrecht. Estas se suman a otras siete, entre ellas, Ricardo Rivera.*

[JORGE GLAS, RESTRAINED FROM LEAVING THE COUNTRY, IS PART OF THE ODEBRECHT CASE. *Judge of the national court took the attorney general's request. The vice president pointed out that he will not run away and he will face justice. The crime he is involved in is illicit association. The second in charge did not go to the hearing, he sent his lawyer. Judge forbids Glas from leaving the country while he is investigated. The attorney general*

presented elements of conviction in the hearing. Judge Miguel Jurado linked eleven more people in the process of illicit association in the Odebrecht case, amongst them, Ricardo Rivera.]

El Universo (27/09/2017) **EL6: POR 9 HORAS DECLARÓ JORGE GLAS EN FISCALÍA.** *Delator de Odebrecht rinde versión hoy desde Brasil. Por diligencia con el vicepresidente se debió suspender la revisión de información que llegó de EE.UU. Glas estuvo unas nueve horas en Fiscalía. Ampliación de su versión. Vicepresidente habría aceptado que transmitió a su tío, en enero del 2015, información relativa a la empresa Glory.*

[FOR 9 HOURS JORGE GLAS DECLARED AT THE ATTORNEY GENERAL'S OFFICE. *Odebrecht's informer gives version today from Brazil. Due to procedure with the vice president the revision of information from USA was suspended. Glas was nine hours at the attorney general's office. The expansion of his version. Vice president allegedly accepted that he transferred to his uncle, in January of 2015, information related to the company Glory.]*

El Universo (28/09/2017) **EL7: DELATOR DICE QUE GLAS PIDIÓ \$1 MILLÓN; ÉL, QUE ES INOCENTE.** *Exfuncionario de Odebrecht detalló ante fiscalía posibles coimas. Brasileño José Santos rindió versión por videoconferencia. Finalmente ayer Fiscalía analizó CD de EE.UU. Vicepresidente escribirá libro "La conspiración del pendrive". Delator de Odebrecht califica a Rivera y a Glas como "siameses". Diligencia en el caso de asociación ilícita. José Santos afirmó desde Brasil que se reunía dos o tres veces al año con el vicepresidente.*

[WHISTLEBLOWER SAYS THAT GLAS ASKED \$1 MILLION; HE SAYS THAT HE IS INNOCENT. *Odebrecht's ex official detailed before the attorney general possible bribes. Brazilian Jose Santos gave version through videoconference. Finally yesterday the attorney general analysed CD from USA. Vice president will write book "the pen drive conspiracy". Odebrecht's whistleblower labels Rivera and Glas as "Siamese". Process in the case of illicit association. José Santos affirmed from Brazil that he used to meet twice or three times per year with the vice president.]*

El Universo (03/10/2017) **EL8: JORGE GLAS, DETENIDO.** *Primer político de alto rango, en funciones, aprehendido en A. Latina por Odebrecht. Vicepresidente fue arrestado anoche y trasladado en Avión a Quito. Vicepresidencia de la República aún no está vacante, explican juristas. A Glas y Rivera también se los investiga por presunción de cohecho. Prisión preventiva para Glas, quien la acepta "bajo protesta". Caso de asociación ilícita de la trama de corrupción. El juez Miguel Jurado ordenó además, la prohibición de enajenar bienes y retención de las cuentas del vicepresidente. Ricardo Rivera pasa del arresto domiciliario a una cárcel común.*

[JORGE GLAS, DETAINED. *First high rank politician, during his term, apprehended in Latin America for Odebrecht. Vice president was arrested last night and transferred by plane to Quito. Vice presidency of the Republic is still not vacant, jurists explain. Glas and Rivera are also investigated for presumption of bribery. Preventive prison for Glas, who accepts it "under protest". Case of illicit association in the corruption plot. Judge Miguel Jurado also ordered the prohibition to dispose of assets and retention of the vice president's accounts. Ricardo Rivera goes from home arrest to a common jail.]*

El Universo (05/10/2017) **EL9: "UNA PERSONA ENCARCELADA NO PUEDE CUMPLIR SU FUNCIÓN".** *Presidente dialogó con representantes de medios. La Senain tendrá "ciertos" ajustes. Busca empresas para rastreo de dinero mal habido. Hoy Lenín recibe informe sobre*

plan económico. Moreno encarga a Vicuña la Vicepresidencia y la consulta. En decreto ejecutivo se argumenta ausencia temporal. Es segundo encargo. En la campaña de este año estuvo Sandra Naranjo en reemplazo de Glas.

[“AN INCARCERATED PERSON CANNOT FULFIL THEIR ROLE”. *President dialogued with media representatives. Senain will have “some” adjustments. Searches for companies to track illicit money. Today Lenín receives report about economic plan. Moreno puts Vicuña in charge of the Vice presidency and the referendum. In executive decree temporary absence is argued. It is second appointment. In this year’s campaign Sandra Naranjo replaced Glas.*]

El Universo (17/10/2017) **EL10: CONJUEZ TIENE AHORA DECISIÓN EN CASO GLAS**. *Denunciado el juez que dispuso prisión de vicepresidente. Miguel Jurado es acusado de prevaricato por la defensa del detenido vicepresidente. Defensa de Glas demanda a juez Jurado por prevaricato. Caso de asociación ilícita Odebrecht. Conjuez Flores tramitará la recusación que puso el vicepresidente contra juez Jurado.*

[CO-JUDGE HAS NOW DECISION ON GLAS CASE. *Denounced the judge who ordered vice president’s imprisonment. Miguel Jurado is accused of perverting the court of justice by the detained vice president’s defence. Glas’s defence sues judge Jurado for perverting the court of justice. Case of illicit association Odebrecht. Co-judge Flores will process the challenge that the vice president filed against judge Jurado.*]

Following the official inclusion of Jorge Glas in the Odebrecht case, Phase 2 starts when he officially becomes part of the case. During this phase, *El Universo* keeps up a consistent framing against Jorge Glas, even though, counterintuitively, the texts use more neutral language than in Phase 1. The first and most noticeable feature of all the stories in *El Universo* in this phase is the absence of evaluative language. This could be due to the legal nature of the reporting as the case is officially a legal process.

However, *El Universo*’s headlines show consistent framing against Jorge Glas by highlighting his accusers and overshadowing his defence. This is shown in the texts’ transitivity.

EL5’s headline places Jorge Glas as the object to address his prohibition to leave the country *Jorge Glas, impedido de salir del país, es parte del caso Odebrecht* [Jorge Glas, restrained from leaving the country, is part of the Odebrecht case]. However, the sub headline uses reported speech to report his response: *El vicepresidente señaló que no huirá y que enfrentará a la justicia* [the vice president pointed out that he will not

leave the country and will face justice]. This contrast in the texts suggests the writer's inclination towards the actions taken against Jorge Glas rather than his defence arguments as they separate themselves from his claims. Additionally, part of the sub headline reads *Segundo mandatario no acudió a la audiencia, mandó a su abogado* [Second in charge did not attend the hearing, he sent his lawyer]. This text also shows the writer's prioritization and priming of facts that affect Jorge Glas negatively, in this case, suggesting Jorge Glas's lack of concern of the process.

In EL6, front-page and non front-page headlines emphasise the amount of time that Jorge Glas spent during his testimony. The term *9 hours* connotes that he had a lot of information related to the case, which strongly suggests his involvement. Additionally, the sub headline reads *vicepresidente habría aceptado que transmitió a su tío, en enero del 2015, información relativa a la empresa Glory* [Vice-president allegedly accepted that he transferred to his uncle, in January of 2015, information related to the company Glory]. Here, the use of *habría aceptado* [allegedly accepted] is used for relevant information in the case but the text does not specify who said this about him.

Consequently, as this text seems to be a newspaper's claim rather than someone's statement, it suggests a lack of contextualisation.

EL7 corresponds to the Odebrecht's informer's appearance in court, which shows the contrast of the two main parties involved in the case. However, here the front headline contains an extract of the court hearing that uses reported speech for both Jorge Glas and the informer, though with more focus on the latter. The text reads *Delator dice que Glas pidió \$1 millón; él, que es inocente* [Whistleblower says that Glas asked \$1 million; he says that he is innocent].

This is consistent with the following headline, where the selection of adjectives appear more strongly against Jorge Glas: *Delator de Odebrecht califica a Rivera y a Glas como “siameses”* [Odebrecht’s whistleblower labels Rivera and Glas as “siamese”].

The use of quotation marks for the term *siamese* reflects the writer’s attribution of the term to the whistleblower. This may be because the term carries such weight in terms of the connection between Jorge Glas and another alleged criminal. It also implies there was an accusation that Jorge Glas was completely aware of the alleged bribes.

Nevertheless, this text demonstrates the writer’s decision to highlight this particular extract of the declaration, which contains strong accusatory language against Jorge Glas. This practice is acknowledged by Tuchman (1972) as one of the strategies amongst journalists where they attempt to be objective, which means that there is an auto perception of objectivity as their selection of quotes match their interpretation of reality. Additionally, the sub headline adds details to the whistleblower’s testimony, and leaves out Jorge Glas’s responses. Even though this may be due to the newsworthiness of Jose Conceicao Santos’s declarations, the claims are so strong that contrast becomes necessary. This aligns with past reportage in *El Universo* where Jorge Glas’s actions in his defence are not a priority in the reporting.

In EL8, the front-page headline uses a short and concise text *Jorge Glas, detenido* [Jorge Glas, detained], where Jorge Glas is positioned again as the object. The sub headlines emphasise that he is the first high ranked politician to be put in prison for the Odebrecht scandal and calls the judge’s decision a *giro histórico* [historic turn], framing it as an achievement in the case. This is one of the few instances where evaluative language can be observed in phase 2. The non front-page headline acknowledges Jorge Glas’s response, but it uses quotation marks for the term *bajo protesta* [under protest]. This may be because Jorge Glas did not do anything that could

have been classified as protest, as he complied with the authorities who arrested him. Consequently, the quotation marks reflect Jorge Glas's own interpretation of the meaning of the term that is not understood or vouched for by the writer.

EL9 reports the replacement of Jorge Glas in the vice presidency. This text reflects a drastic change in the agenda where Jorge Glas's culpability is no longer relevant. The headline uses a president's full quote saying *una persona encarcelada no puede cumplir su función* ["An incarcerated person cannot fulfil their role"] with the sub headline *presidente dialogó con representantes de medios* [president dialogued with media representatives]. This headline quote is a powerful statement against Jorge Glas as it could be seen as an attempt to humiliate him where the adjective *incarcerated* lowers Jorge Glas down to a criminal level. Similar to past reporting, here the writer's decision to choose this quote suggests they have some identification, possibly even agreement, with it. This contrasts with how the president is reported. The use of the verb *dialogó* [dialogued], to refer to the president's meeting with the media, instead of *met* or *talked*, could also be classified as evaluation. This is because it implies an understanding between the two parties (Richardson, 2009).

The significance of the contrast between the two texts in EL9 is that Moreno is portrayed positively, which results in acceptance or at least an absence of questioning of the actions in the next headline *Moreno encarga a Vicuña la Vicepresidencia y la consulta* [Moreno puts Vicuna in charge of the Vice presidency and referendum]. With the writers of *El Universo* having previously framed Jorge Glas as a criminal, such as in their reporting on the whistleblower formally accusing him of taking bribes, or the absence of analysis on the judge's decision to arrest him, this is evidence of a negative narrative structure of him.

EL10's front-page headline reports Jorge Glas's defence challenged the judge's decision, however, it also highlights the fact that the case is undergoing further legal investigation. In addition, here the headline refers to the case by using the adjective *Glas*, instead of the *Odebrecht case*, which it was called in past stories, such as EL2, EL3 and EL4. Even though this does not occur many more times, it suggests the writer's perception of who is relevant in the case and leaves out Jorge Glas's defence. Though, the sub headlines expand more on the defence's lawsuit. However, there is no explanation on the challenge and its rationale but instead it focuses on the judge, which decreases the validity of the challenge and positions the judge as a victim. This is done through the use of adjectives and the omission of the subject, for instance *Miguel Jurado es acusado ...* [Miguel Jurado is accused[...]] and *denunciado el juez que dispuso prisión de vicepresidente* [denounced the judge who decided preventive detention of the vice president], which emphasises the role of the judge rather than the situation.

The fact that the explanation of the challenge against the judge is mentioned later in the non front page headline, suggests that the case continuing is more important than the judge being officially challenged by the defence. This could be considered a sign of the writer's lack of interest in the reasons behind challenging the judge and how they may shape the development of the case.

Leads

When looking at the leads of the stories in Phase 2, even though there is some acknowledgement of Jorge Glas's defence, the overall tendency leans against him. These texts feature mostly reported speech and minimal evaluative language.

EL5: JORGE GLAS, IMPEDIDO DE SALIR DEL PAÍS, ES PARTE DEL CASO ODEBRECHT [JORGE GLAS, RESTRAINED FROM LEAVING THE COUNTRY, IS PART OF THE ODEBRECHT CASE]

El vicepresidente Jorge Glas dijo ayer a CNN que no pensaba salir del país. Así respondía a la prohibición emitida en este sentido por el juez Miguel Jurado, quien lo vinculó, junto con otras once personas, a la instrucción fiscal por el delito de asociación ilícita dentro del caso Odebrecht. Antes se había dicho que emprendería una defensa internacional.

[The Vice President Jorge Glas said yesterday to CNN that he was not thinking about leaving the country. That way he responded to the prohibition by the judge Miguel Jurado, who implicated him, along with other 11 people, to the process for the crime of illicit association in the Odebrecht case].

Juez prohíbe a Glas salir del país mientras se lo investiga [Judge forbids Glas from leaving the country while he is investigated].

Con un vicepresidente de la república, Jorge Glas, con prohibición de salida del país, cuatro personas con orden de prisión preventiva, dos con arresto domiciliario, entre ellas el ex contralor Carlos Pólit, y cuatro exfuncionarios de Odebrecht sin medidas cautelares concluyó ayer la audiencia en la que el juez nacional Miguel Jurado vinculó a once personas más a la instrucción fiscal por el delito de asociación ilícita dentro del caso Odebrecht.

[With a Vice President of the Republic, Jorge Glas, with prohibition to leave the country, four people with preventive arrest orders, two with house arrest, amongst them the ex comptroller Carlos Pólit, and four ex-Odebrecht executives without preventive measures, the hearing where the national judge Miguel Jurado implicated eleven more people to the process for the crime of illicit association in the Odebrecht case, finished yesterday.]

EL6: POR 9 HORAS DECLARÓ JORGE GLAS EN FISCALÍA [FOR 9 HOURS JORGE GLAS DECLARED AT THE ATTORNEY GENERAL'S OFFICE].

El vicepresidente Jorge Glas ayer amplió su versión preliminar en una diligencia que se extendió nueve horas, dentro de la instrucción fiscal por el delito de asociación ilícita, por el caso Odebrecht.

[The Vice President Jorge Glas extended his preliminary version yesterday in a process that lasted 9 hours, in the process for the crime of illicit association, in the Odebrecht case.]

Glas estuvo una nueve horas en Fiscalía [Glas was nine hours at the attorney general's office].

“Queda muy claro que tuvieron relación cercana (el vicepresidente Jorge Glas y su tío Ricardo Rivera) que no era únicamente familiar, pero además queda claro que el vicepresidente (Glas) le transmitió información sobre la empresa Glory (International Industry) a Ricardo Rivera”. Para César Montúfar, acusador particular del segundo mandatario dentro del proceso por supuesta asociación ilícita en el caso Odebrecht, esa fue una de las partes más importantes en la ampliación de la versión que rindió ayer Glas por casi cinco horas ante el fiscal Wilson Toinga.

[“It is clear that they had a close relationship (the Vice President Jorge Glas and his uncle Ricardo Rivera) that was not only familiar, but it is also clear that the vice president (Glas) transmitted information about the company Glory (International Industry) to Ricardo Rivera”. For César Montúfar, particular plaintiff against the second in charge in the process for alleged illicit association in the Odebrecht case, that was one of the most important parts of the version's extension that Glas gave yesterday for almost five hours before the attorney Wilson Toinga.]

EL7: DELATOR DICE QUE GLAS PIDIÓ \$1 MILLÓN; ÉL, QUE ES INOCENTE [WHISTLEBLOWER SAYS THAT GLAS ASKED \$1 MILLION; HE SAYS THAT HE IS INNOCENT].

El vicepresidente Jorge Glas reiteró ayer que es inocente, que no se le ha probado nada. Así respondía después de las 17:30, durante una entrevista de radio a las declaraciones del exfuncionario de Odebrecht José Conceição Santos, quien lo acusó de haber pedido dinero para la campaña de Rafael Correa, entre otras cosas.

[The Vice President Jorge Glas reiterated yesterday that he is innocent, that nothing has been proven against him. That is how he answered after 17:30, during a radio interview against the declarations of the Odebrecht's ex-executive José Conceicao Santos, who accused him of having asked money for Rafael Correa's campaign, amongst other things.]

Delator de Odebrecht califica a Rivera y a Glas como "siameses" [Odebrecht's whistleblower labels Rivera and Glas as "Siamese"].

"El señor Jorge Glas y el señor Ricardo Rivera son hermanos siameses que se alimentan y respiran del propio cuerpo. Son hermanos siameses, no hay diferencia ninguna entre Jorge Glas y Ricardo Rivera". Esa es la frase con la que resumió José Santos, exfuncionario de Odebrecht que rindió ayer su testimonio anticipado en el caso por asociación ilícita, a la relación que supuestamente mantenían Glas y su tío para pedir dineros como comisiones para que los brasileños puedan operar, desde 2010, sin problemas en Ecuador.

["Mr. Jorge Glas and Mr. Ricardo Rivera are siamese brothers that feed and breathe through the same body. They are siamese brothers, there is no difference between Jorge Glas and Ricardo Rivera". That is the phrase with which José Santos, ex-Odebrecht executive that gave his anticipated testimony yesterday in the case of illicit association, summarised the relationship that Glas and his uncle supposedly had to ask for money for commissions so the Brazilians could operate from 2010 without problems in Ecuador.]

EL8: JORGE GLAS, DETENIDO [JORGE GLAS, DETAINED].

El caso Odebrecht, que poco a poco fue agigantando sus repercusiones en Ecuador, dio un giro histórico la tarde de ayer cuando el juez Miguel Jurado dictaminó prisión preventiva contra el vicepresidente de la República, Jorge Glas.

The Odebrecht case, that increased its repercussions little by little in Ecuador, had a historic turn yesterday's afternoon when judge Miguel Jurado dictated preventive arrest against the Vice President of the Republic, Jorge Glas.

Prisión preventiva para Glas, quien la acepta "bajo protesta" [Preventive prison for Glas, who accepts it "under protest].

El juez nacional Miguel Jurado aceptó la tarde de ayer el pedido del fiscal general del Estado, Carlos Baca Mancheno, y ordenó la prisión preventiva del vicepresidente de la república, Jorge Glas, y de su tío, Ricardo Rivera Aráuz, vinculados al proceso que se abrió en junio pasado por asociación ilícita, en el caso de los sobornos de la constructora brasileña Odebrecht.

[National Judge Miguel Jurado accepted yesterday afternoon the request by the Attorney General, Carlos Baca Mancheno, and ordered the preventive arrest of the Vice President of the Republic, Jorge Glas, and his uncle, Ricardo Rivera Aráuz, implicated in the process that

was opened last June for illicit association, in the case of the bribes of the Brazilian construction company Odebrecht.]

EL9: “UNA PERSONA ENCARCELADA NO PUEDE CUMPLIR SU FUNCIÓN” [“AN INCARCERATED PERSON CANNOT FULFIL THEIR ROLE”].

La corrupción, la situación del vicepresidente sin funciones, la economía, la consulta popular y la Ley de Comunicación fueron, entre otros, los temas que trató el mandatario Lenín Moreno en un encuentro con los medios de comunicación.

[Corruption, the situation of the vice president without duties, the economy, the referendum and the Communication Law were, amongst others, the topics that the president Lenín Moreno talked about in a meeting with the media.]

Moreno encarga a Vicuña la Vicepresidencia y la consulta [Moreno puts Vicuña in charge of the Vice presidency and the referendum].

El presidente Lenín Moreno encargó la Vicepresidencia de la República a la ministra de Desarrollo Urbano y Vivienda, María Alejandra Vicuña, por “ausencia temporal” de Jorge Glas, a través del Decreto 176.

[President Lenín Moreno put the the Minister of Urban Development and Housing, María Alejandra Vicuña, in charge of the vice presidency of the Republic, due to “temporary absence” of Jorge Glas, through the Decree 176.]

EL10: CONJUEZ TIENE AHORA DECISIÓN EN CASO GLAS [CO-JUDGE HAS NOW DECISION ON GLAS CASE].

El conjuer Édgar Flores tiene desde ayer en sus manos la recusación presentada el viernes pasado por la defensa de Jorge Glas contra el juez Miguel Jurado. De admitirla, deberá llamar a audiencia al magistrado, quien en ese momento perderá la competencia del proceso por asociación ilícita dentro del caso Odebrecht.

[Co-judge Édgar Flores has in his hands since yesterday the challenge presented on Friday by Jorge Glas’s defence against judge Miguel Jurado. If admitted, he will have to call the magistrate to a hearing, who in that moment will lose his competency in the process for illicit association in the Odebrecht case.]

Defensa de Glas demanda a juez Jurado por prevaricato [Glas’s defence sues judge Jurado for perverting the court of justice].

Desde las 12:40 de ayer, en la Fiscalía General reposa una denuncia presentada por Eduardo Franco, defensa del vicepresidente Jorge Glas, por el presunto delito de prevaricato contra el juez Miguel Jurado, que tramita el proceso que dirige por asociación ilícita relacionado a la empresa Odebrecht.

[Since yesterday at 12:40, a challenge presented by Eduardo Franco, the Vice President Jorge Glas’s defence attorney, has been laid out for the alleged crime of perversion of the court against the judge Miguel Jurado, who is in charge of the process for illicit association related to the company Odebrecht.]

There is a consistent use of indirect reported speech across Phase 2, for instance, *el vicepresidente Jorge Glas dijo* [the Vice President Jorge Glas said], *el vicepresidente Jorge Glas extendió ayer su versión* [yesterday, the Vice President Jorge Glas expanded his version], *el vicepresidente Jorge Glas reiteró ayer* [yesterday, the Vice President Jorge Glas reiterated]. In this regard, the addressing of Jorge Glas seems short and with little substantive content. The information given about his actions was not detailed. For example, *El vicepresidente Jorge Glas reiteró ayer que es inocente, que no se le ha probado nada* [yesterday, the president Jorge Glas reiterated that he is innocent, that nothing has been proven against him] (EL7), a sentence that could be seen as vague and without concrete content. Similarly, the reporting of the challenge against the judge is superficially explained, e.g. *El conjuéz Édgar Flores tiene desde ayer en sus manos la recusación presentada el Viernes pasado por la defensa de Jorge Glas contra el juez Miguel Jurado* [Since yesterday, the co-judge Edgar Flores has in his hands the challenge presented last Friday by Jorge Glas's defence against judge Miguel Jurado] (EL10).

However, when Glas's opponents are quoted in the leads, the writer uses direct reported speech that can be explored deeper to provide explanations of their claims, for instance:

“Queda muy claro que tuvieron relación cercana (el vicepresidente Jorge Glas y su tío Ricardo Rivera) que no era únicamente familiar, pero además queda claro que el vicepresidente (Glas) le transmitió información sobre la empresa Glory (International Industry) a Ricardo Rivera”. Para César Montúfar, acusador particular del segundo mandatario dentro del proceso por supuesta asociación ilícita en el caso Odebrecht, esa fue una de las partes más importantes en la ampliación de la versión que rindió ayer Glas por casi cinco horas ante el fiscal Wilson Toinga

[“It is very clear that they had a very close relationship (the Vice President Jorge Glas and his uncle Ricardo Rivera) that was not only family, but it is also clear that the vice president (Glas) gave information about the company Glory (International Industry) to Ricardo Rivera”. For César Montúfar, the particular plaintiff against the second in charge in the process of alleged illicit association in the Odebrecht case, that was one of the most important parts in the version extension that Glas gave yesterday for almost five hours before the Attorney Wilson Toinga.]

“El señor Jorge Glas y el señor Ricardo Rivera son hermanos siameses que se alimentan y respiran del propio cuerpo. Son hermanos siameses, no hay diferencia ninguna entre Jorge

Glas y Ricardo Rivera”. Esa es la frase con la que resumió José Santos, exfuncionario de Odebrecht que rindió ayer su testimonio anticipado en el caso por asociación ilícita, a la relación que supuestamente mantenían Glas y su tío para pedir dineros como comisiones para que los brasileños puedan operar, desde 2010, sin problemas en Ecuador.

[Mr. Jorge Glas and Mr. Ricardo Rivera are siamese brothers that feed and breathe from the same body. They are siamese brothers, there is no difference between Jorge Glas and Ricardo Rivera” That is the phrase with which José Santos, ex-Odebrecht executive who gave his anticipated testimony for the case of illicit association, summarised the relationship that Glas and his uncle supposedly had to ask for money as commission so the Brazilians could operate, from 2010, without any problems in Ecuador]

The difference in the use of reported speech in the two sides reflects the writer’s desire to show a clear and faithful transcription of the sources opposed to Jorge Glas, yet they do not give equivalent attention to, and even overlook, his defence. This suggests that, even though it is clear that there are two opposing sources, the content reported highlights the information from the case that is against Jorge Glas rather than in his favour. Furthermore, if compared to its reporting in Phase 1, it can be argued that *El Universo*’s approach of reporting against Jorge Glas went from using evaluative language to offering more detailed information on aspects of the legal process against him rather than in his favour.

At this point in the analysis, it is becoming clear that, even though the normative analysis suggested that *El Universo*’s stories were balanced, further examining the content more thoroughly in terms of transitivity, modality, the use of quotes and evaluative language shows that this might not be the case. Rather, it demonstrates that these features show signs of encoded ideology that could, consequently, reveal a lack of compliance with the law. In this sense, these same signs uncover challenges that the Communication Law would face in its application. It, then, becomes evident that only an in-depth analysis of news texts could give some certainty on whether they follow the law or not. Moreover, the constructivist/interpretive approach of this analysis also means that assessments of the news texts carried out by the law enforcers may not show

the exact same results found here, which would conflict with the legal authority of the Communication Law.

Findings in phase 2. El Telégrafo

Headlines and subheadlines.

(30/08/2017) **ET5: EL VICEPRESIDENTE NO PUEDE SALIR DEL PAÍS.** *El segundo mandatario asegura que indicios presentados por fiscalía son absurdos y no constituyen pruebas. El juez Miguel Jurado, con base en la petición del fiscal Carlos Baca, implicó a 11 personas en la trama Odebrecht. El ex contralor Pólit tiene orden de arresto domiciliario. Glas, vinculado judicialmente a caso Odebrecht. El vicepresidente se mostró de acuerdo con la medida cautelar dictada en su contra. El juez de la sala penal de la Corte Nacional de Justicia, Miguel Jurado, por pedido del fiscal, Carlos Baca, ordenó la prohibición de salida del país del Segundo Mandatario; autorizó la implicación de otras 10 personas, entre ellas el excontralor Carlos P. (prófugo en Estados Unidos), y dictó arresto domiciliario y prisión preventiva contra 5 sindicados.*

[THE VICEPRESIDENT CANNOT LEAVE THE COUNTRY. *The second in charge claims that the leads presented by the attorney general are absurd and do not constitute proof. Judge Miguel Jurado, based on the Attorney General Carlos Baca, implicated 11 people in the Odebrecht case. The ex-comptroller Pólit has a domiciliary arrest order. Glas, judicially implicated in Odebrecht case. The vice president agreed to the precautionary measure dictated against him. The judge in the penal room at the National Court of Justice, Miguel Jurado, requested by the Attorney General Carlos Baca, ordered the second in charge's prohibition to leave the country; authorised the implication of other 10 people, amongst them the ex-comptroller Carlos P. (fugitive in the United States), and dictated domiciliary arrest and preventive prison against 5 syndicate members.]*

(27/09/2017) **ET6: Vicepresidente Glas acudió a la Fiscalía con sus simpatizantes.** *“todas son conjeturas y especulaciones”, dijo el segundo mandatario. El abogado de uno de los procesados sostuvo que la declaración no aportó nada nuevo. Solo indicó que los informes de los contratos son públicos.*

[Vice President Glas went to the attorney general's office with his sympathisers. *“everything is conjectures and speculations”, said the second in charge. The lawyer of one of the suspects argued that the declaration did not add anything new. It only said that the reports of the contracts are public.]*

(28/09/2017) **ET7: ODEBRECHT ENTREGÓ \$16 MILLONES A RICARDO R.** *Adicionalmente pagó \$20 millones por la adjudicación de cinco contratos y \$10.1 millones al excontralor Carlos Pólit. José Conceicao Santos, exrepresentante de la constructora en Ecuador, habló ayer. Dijo que el vicepresidente Jorge Glas le pidió \$1 millón para la campaña electoral de 2014 y agregó que él conocía todas las coimas entregadas a su tío. Delator asegura que Jorge Glas sí conocía de las coimas de Odebrecht en Ecuador. El abogado defensor, Eduardo Franco Loor, calificó la versión como infamia y reclamó porque no pudo preguntar. José Conceicao Santos narró cómo fue el pago de los sobornos en cada una de las obras que hizo la constructora brasileña. Dijo que se reunía con el vicepresidente sin que quedara registro.*

[ODEBRECHT GAVE \$16 MILLION TO RICARDO R. *Additionally it paid \$20 million for the adjudication of five contracts and \$10.1 million to the ex comptroller Carlos Pólit. José Conceicao Santos, ex representative of the construction firm in Ecuador, spoke yesterday. He said that the Vice President Jorge Glas asked him for \$1 million for the electoral campaign of 2014 and added that he knew all the bribes given to his uncle. Whistleblower assures that Jorge Glas did know about the Odebrecht bribes in Ecuador. The defence lawyer, Eduardo Franco Loor, called the version an infamy and complained that he could not make questions. José Conceicao Santos narrated how the payment of bribes was in each of the jobs that the Brazilian construction firm did. He said that he met with the vice president without registering it.]*

(03/10/2017) **ET8: MORENO ACUDE AL PUEBLO; J.G. CON PRISIÓN PREVENTIVA.** *El referendo convocado por el mandatario se encuentra en la corte constitucional para su análisis. El ejecutivo elaboró 7 preguntas sobre corrupción, reelección indefinida, el Consejo de Participación ciudadana y medio ambiente. El vicepresidente no renuncia y espera la boleta de captura. Juez dispone prisión preventiva contra el vicepresidente y su tío. Antes de ir a la cárcel, Ricardo R. será valorado en el hospital Vernaza. Tendrá facilidades en la celda. El pedido lo hizo el fiscal Carlos Baca, por considerar que existe un incremento del riesgo de fuga por haber encontrado nuevos elementos de convicción.*

[MORENO LOOKS TO THE PEOPLE; J.G. WITH PREVENTIVE PRISON. *The referendum call by the mandatory is in the constitutional court for its analysis. The executive made 7 questions about corruption, indefinite re-election, The Council of Citizen Participation and environment. The vice president does not resign and waits for the order of arrest. Judge orders preventive prison against the vice president and his uncle. Before going to jail, Ricardo R. will be checked at the Vernaza Hospital. He will have facilities in the cell. The request was made by the Attorney General Carlos Baca, for considering that there is an increase in the risk of escape after having found new elements of conviction.]*

(05/10/2017) **ET9: MORENO ENCARGA LA VICEPRESIDENCIA A SU MINISTRA DE VIVIENDA.** *La ex asambleísta es psicóloga y fundadora del movimiento ABA. María Alejandra Vicuña agradeció el gesto de confianza del Primer Mandatario. Además de su cartera de Estado, ella tendrá que impulsar la consulta popular. Vicuña se encarga de la Vicepresidencia. La ministra de vivienda ocupará estas funciones mientras dure la ausencia temporal de Jorge G. por su situación jurídica. Mediante Decreto Ejecutivo 176, el Jefe de estado anunció que la funcionaria, durante su mandato temporal, tendrá que hacer el seguimiento de la consulta popular. En tanto que en las dependencias de la institución existe tensión entre los empleados y funcionarios por cuanto empezaron a llegar las notificaciones de despido por parte del Ministerio de Trabajo.*

[MORENO PUTS HIS HOUSING MINISTER IN CHARGE OF THE VICEPRESIDENCY. *The ex-legislator is psychologist and founder of the ABA movement. María Alejandra Vicuña thanked the first in charge's trust gesture. In addition to the ministries, she will have to push the referendum. Vicuña takes charge of the Vice presidency. The minister of housing will take on the functions while Jorge G.'s temporary absence lasts due to his legal situation. Through Executive Decree 176, the head of state announced that the official, during her temporary position, will have to follow up the referendum. Meanwhile, there is tension amongst employees and officials of the institution's dependencies as termination notifications started to arrive from the Ministry of Work.]*

(17/10/2017) **ET10: Abogado del vicepresidente denunció en Fiscalía a juez Jurado por prevaricato.** *Artículo 542 del COIP señala que medida de prisión preventiva se dispone si procesado incumple medidas cautelares impuestas. La defensa espera la audiencia de recusación que interpuso contra el magistrado, considera que adelantó criterio, por lo que debe ser reemplazado de la audiencia preparatoria de juicio.*

[Vice president's lawyer denounced judge Jurado at the attorney general's office for perverting the court of justice. *Article 542 of COIP states what preventive measure is applied if the processed person breaches ordered cautionary measures. The defence waits for the challenge hearing that it filed against the magistrate, as it considers that he showed stance too early, for which he should be replaced in the preparatory trial hearing.]*

By comparison, even though *El Telégrafo* centres the reporting on Jorge Glas, a change in the framing of the news in this phase can be observed. Similar to Phase 1, the reporting first seems to focus on Jorge Glas's defence, however, as it develops it shifts to highlight the information against him.

El Telégrafo's reporting during Phase 2 shows interesting features in terms of the priming of information as it moves its focus from the Glas and the Odebrecht scandal to the new vice president, abruptly. This means that the sudden change in the framing of the news from Jorge Glas's arrest to his replacement in the Vice presidency without acknowledging critical voices of the decision, legitimises this transition, makes it more credible and more likely to be accepted by the audience.

At first, *El Telégrafo* produced neutral reporting that benefited Jorge Glas, as can be seen in ET5, ET6 and ET7. Even though ET5 does mention Jorge Glas's prohibition to leave the country, the sub-headline focuses on his reaction to the measure with the use of reported speech. The language used by the journalist when paraphrasing him includes strong language that delegitimizes the attorney general's evidence: *El segundo mandatario asegura que indicios presentados por fiscalía son absurdos y no constituyen pruebas* [the second in charge claims that the leads presented by the attorney general are absurd and do not constitute proof]. Additionally, ET6 highlights the people's support for Jorge Glas and mentions him secondarily in the reporting of

Jorge Conceicao Santos's testimony. ET6's headline uses Jorge Glas as the subject and mentions that he was accompanied by his supporters. The transitivity in this sentence shows him as the performer of an action, which by including his supporters, connotes bravery and strength and popular support. The sub headlines further strengthen Jorge Glas's defence as they use his quote to undermine elements of the case and portray his declaration as lacking new information (ET6).

In ET7's front-page headline, the language strengthens even more as it makes claims regarding the whistleblower's declarations about alleged quantities of bribes. However, in this case, Odebrecht is put as the subject of the actions in conjunction with examples of strong reported speech: *Odebrecht entregó* [Odebrecht gave], *adicionalmente pagó* [additionally, it paid]. In the non front-page headline, the reporting of Jose Conceicao's accusations towards Jorge Glas is done through the use of verbs that create more distance between the writer and the claims, such as *dijo* (said) or *aseguró* (assured), along with the acknowledgement of Jorge Glas's defence. These features in the text highlight Odebrecht's role in the bribes, leaving Jorge Glas out of the public's immediate focus.

The acknowledgment of Jorge Glas's side, his supporters and the absence of linkage between him and the Odebrecht's bribes, suggest a positive portrayal of him. However, this trend appears to change in the stories that follow. ET8, ET9 and ET10 include Lenín Moreno in the reporting and a change the information regarding Jorge Glas. ET8's headline shows a sharp contrast between Jorge Glas and Lenín Moreno, with the former portrayed negatively. This line in a report *Moreno acude al pueblo; J.G. con prisión preventiva* [Moreno looks to the people; J.G. with preventive prison] creates a clear distinction between Jorge Glas's suggested criminal actions and Moreno's commitment to the citizens. The transitivity tool also shows that Moreno is used as the

subject who does the action and Jorge Glas as the object to whom the action is imposed on. This conveys not only Moreno's care for the citizens but also his proactiveness in his role as president. This is supported by the sub headlines highlighting a future referendum that he pushed for, and stands in contrast to the non front-page headline, which describes the prison order against Jorge Glas, with the judge being the performer of the action.

While ET8 shows a change in the characterisation of the two parties, the drastic change in the focus of the reporting begins in ET9, which covers the replacement of Jorge Glas, without relating it to him. ET9's front-page headline reads *Moreno encarga la vicepresidencia a su ministra de vivienda* [Moreno puts his housing minister in charge of the vice presidency], which is followed by a sub headline giving details on new vice president's professional background and acknowledging her positive reaction to being assigned in this new role. This highlights the profile of the new vice-president rather than questioning whether the decision to replace Jorge Glas was within the law or if there were any voices critical of the president's decision. Lastly, ET10's headline puts Jorge Glas's lawyer as the subject and in its sub headline it quotes the legal resources and the defence's argument for the challenge. Unlike *El Universo*, *El Telégrafo* seems to highlight to the lawsuit against the judge, possibly reflecting the writer's perception as to what the newsworthy aspect of this event is.

Leads.

ET5: Glas, vinculado judicialmente a caso Odebrecht [Glas, judicially implicated in Odebrecht case].

El juez de la sala penal de la Corte Nacional de Justicia, Miguel Jurado, aceptó la petición del fiscal Carlos Baca Mancheno y vinculó al vicepresidente, Jorge Glas, en el caso Odebrecht. Además se le prohibió salir del país. La decisión la tomó luego de escuchar alegatos del Fiscal, quien además solicitó implicar a otras 10 personas en el caso que investiga por el delito de asociación ilícita debido a las coimas entregadas por Odebrecht a funcionarios ecuatorianos a cambio de contratos.

[The judge of the criminal section in the National Court of Justice, Miguel Jurado, accepted the request of the Attorney General Carlos Baca Mancheno and implicated the Vice President Jorge Glas, in the Odebrecht case, who was also prohibited from leaving the country. He made the decision after listening the attorney general's allegations, who also requested the implication of 10 other people in the case that he investigates for the crime of illicit association due to the bribes given by Odebrecht to Ecuadorian executives in exchange for contracts.]

ET6: Vicepresidente Glas acudió a la Fiscalía con sus simpatizantes [Vice President Glas went to the attorney general's office with his sympathisers].

El vicepresidente Jorge Glas acudió ayer por segunda vez a la Fiscalía para dar su testimonio sobre el caso Odebrecht. El año pasado, Estados Unidos y Brasil descubrieron la enorme red de corrupción que tejió la constructora en América Latina para hacerse de contratos con los estados a cambio de coimas.

[The Vice President Jorge Glas went yesterday for the second time to the attorney general's office to give his testimony on the Odebrecht case. Last year, the United States and Brazil uncovered an enormous corruption network that the construction firm built in Latin America to get contracts in the states in exchange for bribes.]

ET7: Delator asegura que Jorge Glas sí conocía de las coimas de Odebrecht en Ecuador [Whistleblower assures that Jorge Glas did know about the Odebrecht bribes in Ecuador].

El vicepresidente de la República, Jorge Glas, tenía pleno conocimiento y habría participado en el pago de coimas de Odebrecht en Ecuador. Así lo aseguró el delator y exrepresentante de Odebrecht de la constructora en el país, José Conceicao Santos.

[The Vice President of the Republic, Jorge Glas, had full knowledge and allegedly participated in the payment of bribes by Odebrecht in Ecuador. That is what the Odebrecht informer and ex-executive claimed.]

ET8: Juez dispone prisión preventiva contra el vicepresidente y su tío [Judge orders preventive prison against the vice president and his uncle].

El juez de la Corte Nacional de Justicia (CNJ), Miguel Jurado Fabara, dispuso prisión preventiva contra Jorge G., y Ricardo R., quienes son parte de los 18 vinculados en el presunto delito de asociación ilícita en el caso Odebrecht, en Ecuador. Además, a Jorge G., quien estaba con prohibición de salir del país, se le ordenó la prohibición de enajenar bienes y la retención de sus cuentas bancarias.

[The judge of the National Court of Justice (CNJ), Miguel Jurado Fabara, dictated preventive detention against Jorge G., and Ricardo R., who are part of the 18 implicated in the alleged crime of illicit association in the Odebrecht case, in Ecuador. As well, Jorge G., who had prohibition from leaving the country, was also prohibited from selling any of his assets and his bank accounts were confiscated.]

ET9: Vicuña se encarga de la Vicepresidencia [Vicuña takes charge of the Vice presidency].

El anuncio lo efectuó por la tarde de ayer el secretario de la Presidencia, Eduardo Mangas, en su cuenta de Twitter. “@Lenin ha encargado la vicepresidencia de la República a la compañera @Marielavicuna, por la ausencia temporal del VP Jorge Glas”, escribió el funcionario.

[The announcement was made yesterday afternoon by the Secretary of the presidency, Eduardo Mangas, on his Twitter account. “@Lenin has put the comrade @Marielavicuna in charge of the vice presidency, due to the temporary absence of the VP Jorge Glas”]

ET10: Abogado del vicepresidente denunció en Fiscalía a juez Jurado por prevaricato [Vice president’s lawyer denounced judge Jurado at the attorney general’s office for perverting the court of justice].

Eduardo Franco Loor, abogado del vicepresidente, presentó ayer una denuncia contra el juez de la Corte Nacional de Justicia, Miguel Jurado Fabara, por presunto prevaricato. El jurista presentó la acción de acuerdo a lo que está tipificado en el artículo 268 del Código Orgánico Integral Penal (COIP), “ya que el juez no observó las normas legales y tampoco actuó conforme a derecho. Es una persona que no puede decidir en la etapa preparatoria de juicio porque está denunciada por prevaricato”.

[Eduardo Franco Loor, the vice president’s lawyer, presented yesterday a challenge against the judge of the National Court of Justice, Miguel Jurado Fabara, for alleged perversion of the court. The attorney presented the resource according to what is stated in the article 268 of the Criminal Code. “given that the judge did not observe the legal norms and neither did he act according to the law, he is a person that cannot decide in the preparatory stage of the lawsuit because he is challenged for perversion of the court”]

Looking at the leads in *El Telégrafo*’s stories in this phase, they seem to show a stronger consistency in the negative reporting of Jorge Glas. ET5 expands on the reasons why Jorge Glas cannot leave the country, but its main focus is the judge’s actions. ET6 contextualises his testimony with the magnitude of the scandal, and ET7 adds the alleged role of Jorge Glas and the alleged amount of money that was used for bribes according to the Odebrecht scandal’s informer. Even though these leads share similarities with *El Universo* as they also centre on Jorge Glas’s accusers and give little attention to his defence, the language they use against him is not as strong. For instance, *El Telégrafo* does not show reported speech by Glas’s opponents concerning his culpability. While, this reflects similar perceptions of newsworthiness in journalists in both newspapers, it also highlights their different degrees of identification with the information. The softer use of language against Jorge Glas in *El Telégrafo* continues in the leads of ET8, ET9 and ET10, and mostly retell court proceedings and feature little reported speech, with no evidence of evaluative language.

The most significant aspect in these texts is the change in the addressing of Jorge Glas. ET5, ET6 and ET7 refer to him mostly as vice president, whereas by ET8, ET9 and ET10 they include the terms J.G. and Jorge G., although it is not consistent. This could support an argument that *El Telégrafo* changed the way it reported on Jorge Glas, from publishing texts that benefited him to texts that were critical of him. However, the use of acronyms could also be a sign of procedures used by journalists when creating the news texts due to space constraints along with Jorge Glas's public figure status. It is important to note, though that in terms of legal proceedings in Ecuador, the Criminal Code states that until a suspect is sentenced, they must not be referred to by their full names (Asamblea Nacional, 2014). Considering this, it could be argued that the acronyms were used to imply Jorge Glas's alleged criminal status. This will be further addressed and clarified in the interview stage of this thesis.

What does this mean in terms of the Communication Law?

In terms of the Communication Law, this is yet another phase where its application seems to come with challenges. Specifically, the results found in this analysis are an outcome of a certain approach and methodology, which means that those in charge of applying the law may or may not find similar results. However, even if they were to, there would still be concerns on deciding whether these texts fit the law or not. For example, would the change of focus at the end of the reporting be considered lawful or not? should a newspaper be legally liable for making these kinds of editorial decisions in terms of what to cover? The answer for these questions would ultimately depend on the contextualised assessment of not only the news texts but also the political relevance of the news, which would also be the result of subjective views and ideologies.

Findings in phase 3. El Universo

Headlines and subheadlines.

(9/11/2017) **EL11: DICTAMEN ACUSA A GLAS.** *Hoy se reinstala audiencia preparatoria de juicio. Cinco brasileños con dictamen abstentivo. Oposición espera resultado para fortalecer juicio. Juristas analizan lo que se le viene al vicepresidente. Guillermo Lasso presidió una marcha en Quito. Fiscalía acusará a Jorge Glas, su tío y ex contralor por asociación ilícita. Trama de corrupción en el caso Odebrecht. En el primer día de audiencia, los abogados de los acusados pidieron nulidad del proceso.*

[RULING ACCUSES GLAS. *Today the preparatory trial hearing is being restarted. Five Brazilians with absentee ruling. Opposition awaits results to strengthen trial. Attorneys analyse what is coming to the vice president. Guillermo Lasso led a march in Quito. The attorney general will accuse Jorge Glas, his uncle and ex comptroller for illicit association. Plot of corruption in Odebrecht case. On the first day of the hearing, the lawyers of the accused requested nullity of the process.*

(10/11/2017) **EL12: FISCALÍA: GLAS, RIVERA Y PÓLIT, “AUTORES” DE ASOCIACIÓN ILÍCITA.** *Restantes 10 sindicados también son “autores” según Baca. Antes exculpó a los brasileños. Ala dura de Alianza PAIS cuestiona a Baca. De tres a cinco años es pena por asociación ilícita. Código Miami se habría asignado a excontralor. Odebrecht explica razones de dictamen absolutorio. Fiscalía tiene 28 razones para creer que vicepresidente sí cometió delito. Segundo día de audiencia preparatoria de juicio. Alteración de pliegos y pagos no contabilizados era parte del esquema de coimas.*

[ATTORNEY GENERAL: GLAS, RIVERA AND PÓLIT, “AUTHORS” OF ILICIT ASSOCIATION. *The remaining 10 workers are also “authors” according to Baca. Before, he exculpated the Brazilians. Alianza PAIS’s hard wing questions Baca. From three to five years is the punishment for illicit association. Code Miami would have been assigned to ex Comptroller. Odebrecht explains reasons for acquittal ruling. Attorney general has 28 reasons to believe that vice president did commit a felony. Second day of preparatory trial hearing. Tampering of blueprints and unregistered payments were part of the plot of bribes.]*

(15/11/2017) **EL13: JORGE GLAS, A JUICIO PENAL.** *Proceso pasará a sorteo en la CNJ para conformar tribunal. Hay presunciones suficientes para el proceso, sostuvo Miguel Jurado. 13 acusados pasaron a esta etapa de juicio, incluido el contralor Pólit. Vicepresidente Jorge Glas es llamado a juicio. En audiencia se habló de comisiones de 1%. Segundo mandatario podría recibir de tres a cinco años de cárcel si fuere hallado culpable del delito de asociación ilícita.*

[JORGE GLAS, TO CRIMINAL TRIAL. *Process will go to draw at CNJ to form a tribunal. There are enough presumptions for the process, including comptroller Polit. Vice President Jorge Glas is called to trial. In the session commissions of 1% were mentioned. Second in charge could get from three to five years in jail if he was found guilty of illicit association.]*

(25/11/2017) **EL14: GLAS, FRENTE A SU TÍO EN INICIO DE SU JUICIO.** *Sala de tribunal estuvo llena de primera audiencia. Alexis Mera y Tomislav Topic, entre los testigos requeridos por el fiscal del Estado. Glas y Rivera se topan por primera vez ante tribunal. Primer día de audiencia por caso de asociación ilícita Odebrecht. Cuando ingresó el vicepresidente a la sala donde son juzgados, su tío le hizo señal de apoyo.*

[GLAS, IN FRONT OF HIS UNCLE IN THE BEGINNING OF HIS TRIAL. Tribunal room was full in first session. Alexis Mera and Tomislav Topic, amongst witnesses required by the attorney general. **Glas and Rivera run into each other for the first time before the tribunal.** First day of court hearing for case of illicit association Odebrecht. When the vice president walked into the room where they are being judged, his uncle gave him a sign of support.]

(26/11/2017) **EL15: Tribunal multa a abogados por interrumpir audiencia.** Segundo día de juicio. El fiscal Carlos Baca se quejó de recibir “ofensas permanentes” en las audiencias.

[Tribunal fines lawyers for interrupting hearing. Second day of trial. Attorney General Carlos Baca complained that he received “permanent offences” in the hearings.]

(27/11/2017) **EL16: Glas refutó versión policial en tercer día de audiencia.** Proceso por caso de asociación ilícita seguirá por varios días más. Hasta la tarde de ayer había participado 26 testigos y hoy se retoma diligencia.

[Glas refuted police version in third day of hearing. Process for case of illicit association will keep going for several days more. Until yesterday’s afternoon 26 witnesses had participated and today the process is resumed]

(28/11/2017) **EL17: RELACIÓN CON ODEBRECHT LA LLEVÓ GLAS, AFIRMA MERA.** Exfuncionario de gobierno de Correa declaró en juicio. Vicepresidente sin funciones reiteró que es inocente. Su defensa pidió que Correa sea testigo. **Según Mera, Glas lideró ida y retorno al país de Odebrecht.** Cuarto día de audiencia por asociación ilícita. Acusador particular cree que la versión de Mera ratifica que Correa sabía de lo que hacía Glas.

[GLAS CARRIED RELATIONSHIP WITH ODEBRECHT, MERA AFFIRMS. Ex official of Correa’s government declared in trial. Vice president without duties reiterated that he is innocent. His defence asked for Correa to be a witness. **According to Mera, Glas led Odebrecht’s way in and out of the country.** Fourth day of hearing for illicit association. Particular plaintiff believes that Mera’s version ratifies that Correa knew what Glas did.]

(14/12/2017) **EL18: 6 AÑOS PARA JORGE GLAS.** Tribunal penal ordenó que sentenciados paguen \$33 millones de reparación. Abogado de vicepresidente anuncia apelación. El 2 de enero, a trámite abandono del cargo. Los pasos que restan para sentencia definitiva. Grupos en pro y contra del vicepresidente, en la corte. **Seis años de reclusión le impone la justicia a Glas.** Acusado de asociación ilícita. La sentencia fue criticada por seguidores de Glas, quienes culparon al presidente Moreno.

[6 YEARS FOR JORGE GLAS. Criminal tribunal ordered that the sentenced people pay \$33 million as reparation. Vice president’s lawyer announces appeal. On the 2 of January, position’s abandonment starts process. Steps that are left for final sentence. Groups pro and against the vice president, at the court. **Six years of reclusion the justice imposes on Glas.** Accused of illicit association. Sentence was criticised by Glas’s followers, who blamed president Moreno]

EL19: Abandono del cargo se tramitará el 2 de enero. 73 días lleva Jorge Glas en la cárcel. El pedido de juicio político a Glas se trata esta tarde en el CAL. Ayer se dio esa convocatoria.

[Position’s abandonment will process on the 2 of January. 73 days Jorge Glas has been in jail. The request for impeachment against Glas will be debated this afternoon in CAL]

Phase 3 of this analysis starts when the reporting showed that the attorney general officially accused Jorge Glas of illicit association, which led to his trial, and finished when he was sentenced to six years of prison time. In the following headlines and sub headlines from *El Universo* there is constant framing of information against Jorge Glas and, as seen in Phase 2, there is significantly less acknowledgment in his defence than the prosecution's. The writers do this through the use of reported speech and the transitivity of the language they use.

Texts with transitivity that put Glas as the object feature strongly across this phase, for example, *dictamen acusa a Glas* [Ruling accuses Glas] (EL11), *Jorge Glas a juicio penal* [Glas, to criminal trial] (EL13), *relación con Jorge Glas la llevó Glas* [relationship with Odebrecht was managed by Glas] (EL17), *6 años para Jorge Glas* [6 years for Jorge Glas] (EL18). In addition, selected reported speech also centres on allegations and actions against him, for instance, *fiscalía: Glas, Rivera y Pólit, "autores" de asociación ilícita* [Attorney general: Glas, Rivera and Pólit, "authors" of illicit association] (EL12), *relación con Odebrecht la llevó Glas, afirma Mera* [relationship with Odebrecht was carried by Glas, Mera affirms] (EL17).

By comparison, only a few headlines address Jorge Glas's defence. However, when they do, they report responses that portray the defence negatively. Even though these texts could be seen to balance the ones mentioned before, their content reveals that they show Jorge Glas and his defence as conflictive and with no strong arguments to support their claims, for instance, *tribunal multa a abogados por interrumpir audiencia* [tribunal fines lawyers for interrupting the hearing] (EL15), *Glas refutó versión policial* [Glas refuted police version] (EL16), and *el fiscal Carlos Baca se quejó de recibir "ofensas permanentes" en las audiencias* [the Attorney General Carlos Baca complained that he received "permanent offences" at the hearings"]. The text associates

the defence with terms such as *permanent offences*, which is language that depicts them as rather problematic and hostile, decreasing the defence's credibility.

The sub headlines in this phase describe the development of the legal process of the trial chronologically. Here, the aspect that stands out the most is the overshadowing of the absolving of the Odebrecht scandals's informer as part of the case. This is relevant given that Jorge Glas is being accused of illicit association, which, by definition, requires two parties. The absence of information on this matter supports the suggestion that *El Universo*'s reporting maintains a frame that shows Jorge Glas as the main suspect in the case, ignoring other aspects of the case that would make the reporting more robust. Overall, the sub headlines maintain the same pattern as the headlines and do not offer contrast but only give more detail on the information in the headlines.

Leads.

The leads revealed another significant feature in *El Universo*'s reporting of the case, that is, the way Jorge Glas is addressed compared to previous phases. *El Universo* uses the term *Vice President Jorge Glas*, and in some of the stories includes the term *without duties*. This is not a trend in the headlines, where he is mainly referred to as *Glas*. This difference could be due to the limited space in the headline, however, the term *without duties* had not appeared in the previous reporting in this analysis. The significance of this is that it pays particular attention to Jorge Glas's situation at the moment of the trial. This could be seen as the text emphasising aspects that humiliate and politically disempower him.

(9/11/2017) EL11: DICTAMEN ACUSA A GLAS [RULING ACCUSES GLAS].

El fiscal general, Carlos Baca, resolvió acusar a trece personas del delito de asociación ilícita en el caso Odebrecht, entre ellas al vicepresidente Jorge Glas, su tío Ricardo Rivera y al excontralor Carlos Pólit.

[The Attorney General, Carlos Baca, resolved to accuse thirteen people for the crime of illicit association in the Odebrecht case, amongst them the Vice President Jorge Glas, his uncle Ricardo Rivera and the ex-comptroller Carlos Pólit.]

Fiscalía acusará a Jorge Glas, su tío y excontralor por asociación ilícita [Attorney general will accuse Jorge Glas, his uncle and ex comptroller for illicit association].

Dictamen acusatorio para trece personas, entre ellas el vicepresidente Jorge Glas, su tío Ricardo Rivera y el ex contralor Carlos Pólit, y un dictamen abstentivo que favorece al funcionario de Equitransa, José Catagua, y a cuatro ex directivos de Odebrecht en Ecuador, entre los que está José Santos, resumen casi seis meses de un proceso investigativo por el delito de asociación ilícita relacionado con hechos de corrupción.

[Accusatory ruling for thirteen people, amongst them the Vice President Jorge Glas, his uncle Ricardo Rivera and the ex-comptroller Carlos Pólit, and an absentee ruling that favours the executive from Equitransa, José Catagua, and other ex-executives of Odebrecht in Ecuador, amongst whom is José Santos, summarises almost six months of an investigative process for the crime of illicit association related to corruption acts.]

EL12: FISCALÍA: GLAS, RIVERA Y PÓLIT, “AUTORES” DE ASOCIACIÓN ILÍCITA [ATTORNEY GENERAL: GLAS, RIVERA AND PÓLIT, “AUTHORS” OF ILLICIT ASSOCIATION].

En 120 días de indagaciones el fiscal general del Estado, Carlos Baca Mancheno, determinó 28 elementos de convicción en los que sustentó el dictamen acusatorio por el delito de asociación ilícita dentro del caso Odebrecht contra el vicepresidente Jorge Glas.

[In 120 days of inquiries the Attorney General, Carlos Baca Mancheno, determined 28 elements of conviction in which he supported the accusatory ruling for the crime of illicit association in the Odebrecht case against the Vice President Jorge Glas.]

Fiscalía tiene 28 razones para cree que vicepresidente sí cometió delito [Attorney General has 28 reasons to believe that vice president did commit a felony].

Para el fiscal general Carlos Baca, 28 son los elementos de convicción que sustentan su dictamen acusatorio por el delito de asociación ilícita contra el vicepresidente Jorge Glas, a quien lo ubica como uno de los trece autores de la asociación creada para delinquir, en la que se habrían asignado roles específicos dentro de un esquema de sobornos implementado por Odebrecht en Ecuador y dirigido a funcionarios públicos, intermediarios y terceros.

[For the Attorney General Carlos Baca, 28 are the elements of conviction that support his accusatory ruling for the crime of illicit association against the Vice President Jorge Glas, to whom he puts as one of the thirteen authors of the association created to commit crimes, in which there would have been specific roles in a bribing scheme implemented by Odebrecht in Ecuador and aimed to public officials, intermediaries and others.]

EL13: JORGE GLAS, A JUICIO PENAL [JORGE GLAS, TO CRIMINAL TRIAL].

El juez nacional Miguel Jurado llamó a juicio ayer a los trece procesados acusados de autores del delito de asociación ilícita, en torno a Odebrecht, incluido el vicepresidente sin funciones Jorge Glas, su tío Ricardo Rivera y el ex contralor Carlos Pólit. Lo hizo luego de leer por más de tres horas sus fundamentos jurídicos para ese llamado.

[The national judge Miguel Jurado called to trial the thirteen people accused of being authors of the crime of illicit association, around Odebrecht, including the Vice President without

duties Jorge Glas, his uncle Ricardo Rivera and the ex comptroller Carlos Pólit. He did this after reading for more than three hours the legal fundamentals for that action.]

Vicepresidente Jorge Glas es llamado a juicio [Vice President Jorge Glas is called to trial].

Llamar a juicio a los trece procesados acusados por el fiscal general Carlos Baca, en grado de autores del delito de asociación ilícita, incluido el vicepresidente sin funciones Jorge Glas, su tío Ricardo Rivera y el ex contralor Carlos Pólit, fue la resolución que dio a conocer ayer el juez Miguel Jurado, de la Corte Nacional de Justicia.

[Calling the thirteen accused by the Attorney General Carlos Baca to trial, as authors of the crime of illicit association, including the president without duties, was the resolution that the judge Miguel Jurado, from the National Court of Justice announced.]

EL14: GLAS, FRENTE A SU TÍO EN INICIO DE SU JUICIO [GLAS, IN FRONT OF HIS UNCLE IN THE BEGINNING OF HIS TRIAL].

“Mi deseo es que ustedes actúen en justicia con la rapidez del caso”, dijo el vicepresidente Jorge Glas en medio de la primera audiencia de juicio por el delito de asociación ilícita en el caso Odebrecht, pese a que el conjuer y ponente del Tribunal, Édgar Flores, no le había dado la palabra. Hubo murmullos y un grito de ‘corrupto’ que salió de los presentes.

[“My wish is that you act within the law as quickly as possible”, said the Vice President Jorge Glas in the first hearing of the trial for the crime of illicit association in the Odebrecht case, even though the co-judge and presenter of the tribunal, Édgar Flores, had not given him permission to talk. There was whispering and a loud “corrupt” yell coming from the audience.]

Glas y Rivera se topan por primera vez ante tribunal [Glas and Rivera run into each other for the first time before the tribunal]

Con el puño elevado dos veces como signo de respaldo recibió Ricardo Rivera a su sobrino, el vicepresidente sin funciones Jorge Glas, cuando este ingresó escoltado a una sala a reventar de la Corte Nacional de Justicia, donde estaba por instalarse la audiencia de juicio por el delito de asociación ilícita.

[With a lifted fist twice as a support sign Ricardo Rivera received his nephew, the Vice President without duties Jorge Glas, when, escorted, he walked into an overcrowded room in the National Court of Justice, where the hearing for the trial for the crime of illicit association was being set up.]

EL15: Tribunal multa a abogados por interrumpir audiencia [Tribunal fines lawyers for interrupting hearing].

El segundo día de audiencia de juicio por el delito de asociación ilícita dentro del caso Odebrecht dejó dos abogados sancionados con una multa de entre una quinta parte de una remuneración básica y un salario básico diario, por no callar cuando el Tribunal lo pidió.

[The second day of hearings in the trial for the crime of illicit association in the Odebrecht case left two lawyers punished with a fine of between a fifth of one basic remuneration and one base daily salary, for not shutting up when the tribunal asked them to.]

(EL16: Glas refutó versión policial en tercer día de audiencia [Glas refuted police version in third day of hearing].

El vicepresidente Jorge Glas intervino directamente ayer en el tercer día de la audiencia de juicio en el caso Odebrecht que lo involucra a él, a su tío Ricardo Rivera y a otros procesados. Javier Raza, agente de la Policía, participó como tercer testigo tras la reinstalación de la audiencia a las 15:05. Según la Fiscalía, él realizó el análisis documental del expediente, recabó información, realizó allanamientos y relató, a través de su investigación, la presunta participación de los procesados.

[The Vice President Jorge Glas intervened yesterday directly on the third day of hearing in the trial in the Odebrecht case that involves him, his uncle Ricardo Rivera and other accused. Javier Raza, a police agent, participated as the third witness after the reset of the hearing at 15:05. According to the attorney general, he carried out the document analysis of the file, gathered information, executed raids and narrated, through his investigation, the alleged participation of the processed.]

EL17: RELACIÓN CON ODEBRECHT LA LLEVÓ GLAS, AFIRMA MERA [GLAS CARRIED RELATIONSHIP WITH ODEBRECHT, MERA AFFIRMS].

Quien fue secretario jurídico de la Presidencia de Rafael Correa, Alexis Mera, rindió ayer su testimonio en la audiencia de juicio por supuesta asociación ilícita en torno a Odebrecht en contra del vicepresidente Jorge Glas. Antes y después de hablar ante el tribunal le estrechó las manos.

[He who was the legal secretary of Rafael Correa's presidency, Alexis Mera, gave yesterday his testimony in the hearing in the trial for alleged illicit association around Odebrecht against the Vice President Jorge Glas. Before and after talking to the tribunal he shook hands.]

Según Mera, Glas lideró ida y retorno al país de Odebrecht [According to Mera, Glas led Odebrecht's way in and out of the country].

El testimonio del exsecretario jurídico de la Presidencia, Alexis Mera, la activa participación del vicepresidente Jorge Glas y su insistencia en que es inocente marcaron el cuarto día de audiencia del juicio en la presunta asociación ilícita del caso Odebrecht que involucra a Glas, su tío Ricardo Rivera y otros.

[The testimony of the ex-legal secretary of the presidency, Alexis Mera, the active participation of the Vice President Jorge Glas and his insistence that he is innocent marked the fourth day of hearings in the trial of the alleged illicit association in the Odebrecht case that involves Glas, his uncle Ricardo Rivera, amongst others.

EL18: 6 AÑOS PARA JORGE GLAS [6 YEARS FOR JORGE GLAS].

Tras la lectura de una resolución que tardó 44 minutos, el Tribunal de la Corte Nacional de Justicia condenó ayer al vicepresidente sin funciones, Jorge Glas, a seis años de prisión por el delito de asociación ilícita relacionado con actos de corrupción cometidos por Odebrecht en el Ecuador.

[After the reading of a resolution that lasted 44 minutes, the tribunal of the National Court of Justice condemned yesterday the Vice President without duties, Jorge Glas, to six years of

prison for the crime of illicit association in relation to corruption acts committed by Odebrecht in Ecuador.]

Seis años de reclusión le impone la justicia a Glas [Six years of reclusion the justice imposes on Glas].

Ciento veinte días de investigación fiscal y 15 días de audiencia por el delito de asociación ilícita relacionado con actos de corrupción cometidos por Odebrecht en Ecuador terminaron ayer para el vicepresidente sin funciones, Jorge Glas, con una sentencia de seis años de reclusión menor ordinaria.

[One hundred and twenty days of investigation and 15 days of hearings for the crime of illicit association related to corruption acts committed by Odebrecht in Ecuador finished yesterday for the Vice President without duties, Jorge Glas, with a sentence of six years of ordinary minor imprisonment.]

EL19: Abandono del cargo se tramitará el 2 de enero [Position's abandonment will process on the 2nd of January].

A partir del 2 de enero se podrá iniciar el trámite constitucional para cesar de sus funciones al vicepresidente de la República, Jorge Glas, por abandono del cargo, que deberá ser comprobado por la Corte constitucional y declarado por la Asamblea con una mayoría calificada.

[From the 2nd of January the constitutional process to relieve the Vice President of the Republic, Jorge Glas, from his functions due to abandonment of the position, will be able to start, which will have to be signed off by the constitutional court and declared by the majority of the Assembly.]

These stories are consistent in framing the case around Jorge Glas's culpability. This is demonstrated through the reporting of the court's actions, which are told as established situations without any questioning, for instance, *Accusing ruling against thirteen people, amongst them the Vice President Jorge Glas (EL11), for the Attorney General Carlos Baca, there are 28 elements of conviction that support accusing ruling (EL12), national judge Miguel Jurado called 13 people to trial (EL13), that was the judge's resolution (EL13) , after the resolution reading that lasted 44 minutes, the tribunal of the National Court of Justice condemned the vice president (EL18)*. These extracts demonstrate that the stories give the information reported a sense accomplishment, implying that actions should be reported from this point onwards rather than opposing views from the plaintiff's arguments that accuse Jorge Glas.

Findings in Phase 3. El Telégrafo

Headlines and subheadlines.

(09/11/2017) **ET11: HOY SE CONOCE EL PAPEL DE JORGE G. EN CASO ODEBRECHT.** *Abogado de defensor dijo que irregularidades implican nulidad del proceso. El fiscal CARLOS Baca no declaró culpables a 5 de los 18 involucrados en el caso de coimas con la constructora brasileña, entre ellos al delator José Santos, quien fue sentenciado en Brasil. En manos del juez Miguel Jurado está la figura jurídica de acusación al Vicepresidente. El Fiscal se abstuvo de acusar a 5 implicados dentro del caso Odebrecht. Quedan 13 sindicados, entre ellos el vicepresidente por el delito asociación ilícita. El juez Miguel Jurado prevé dictaminar hoy si existen vicios de procedimiento. La audiencia se suspendió pasado del mediodía de ayer.*

[TODAY THE ROLE OF JORGE G. IN CASE ODEBRECHT WILL BE KNOWN. *Defence lawyer said that irregularities mean nullity of the process. Attorney General Carlos Baca did not declare guilty 5 of the 18 suspects in the case of the bribes with the Brazilian construction firm, amongst them Jose Santos, who was sentenced in Brazil. The judicial figure of accusation against the vice president is in the hands of the judge Miguel Jurado. Attorney general abstained from accusing 5 suspects in case Odebrecht. There are 13 syndicated, amongst them the vice president for the crime of illicit association. Judge Miguel Jurado anticipates ruling today if there are signs of redundant procedure. The hearing got suspended after noon yesterday].*

(10/11/2017) **ET12: FISCALÍA: GLAS RECIBIÓ 1.3% COMO COMISIÓN.** *El juez Miguel Jurado ratificó validez del juicio. Carlos Baca Mancheno presentó 28 elementos de convicción contra el segundo mandatario, a quien acusa de autor del delito de asociación ilícita. En la misma condición está el resto de los 12 implicados. Fiscalía acusó a Jorge G. y otros 12 implicados de asociación ilícita. Ricardo R. negoció sobornos por \$13.5 millones a cambio de gestionar contratos a favor de empresa. En el segundo día de audiencia de preparación de juicio, Carlos Baca Mancheno presentó 28 elementos de convicción contra el vicepresidente.*

[ATTORNEY GENERAL: GLAS RECEIVED 1.3% AS COMMISSION. *Judge Miguel Jurado ratified the lawsuit's validity. Carlos Baca Mancheno presented 28 elements of conviction against the second in charge, who is being accused of the crime of illicit association. The rest of the suspects are in the same condition. Attorney general accused Jorge G. and other 12 suspects for illicit association. Ricardo R. negotiated bribes worth \$13.5 million in exchange for setting up contracts in favour of the company. In the second day of preparatory hearing for the trial, Carlos Baca Mancheno presented 28 elements of conviction against the vice president.]*

(15/11/2017) **ET13: GLAS, A JUICIO.** *El juez Miguel Jurado aceptó los cargos contra los 13 procesados por asociación ilícita, entre ellos el Segundo Mandatario, quien seguirá preso. El magistrado no aceptó que se llame a declarar a Rafael Correa. Vicepresidente enfrenta su primer juicio penal. Según el fiscal Carlos Baca Mancheno, el juez Miguel Jurado aceptó el pedido de que se inicie el proceso de extradición al excontralor Carlos P. El juez indicó que los 13 imputados tienen presunciones de delito de asociación ilícita.*

[GLAS, TO TRIAL. *Judge Miguel Jurado accepted the charges against 13 of the suspects for illicit association, amongst them the second in charge, who will still be in jail. The magistrate did not accept that Rafael Correa is called to declare. Vice president faces his first criminal*

trial. According to Attorney General Carlos Baca Mancheno, judge Miguel Jurado accepted the request to start the extradition process for the ex comptroller Carlos P. The judge indicated that the 13 suspects had presumptions of crime of illicit association.]

(25/11/2017) **ET14: JORGE GLAS SALIÓ DE LA CÁRCEL POR UNAS HORAS.** Ayer empezó juicio contra el Segundo Mandatario por asociación ilícita. **Fiscal rechaza estrategia de extender el proceso.** El juicio arranca con el testimonio de 93 personas. Entre testigos y peritos. Baca alegó que los implicados son culpables de asociación ilícita por haber recibido coimas de Odebrecht.

[JORGE GLAS LEFT JAIL FOR A FEW HOURS. Yesterday the trial against the second in charge for illicit association started. **Attorney general rejects strategy to extend the process.** The trial starts with the testimony of 93 people. Between witnesses and experts. Baca pleaded that the implicated are guilty of illicit association for having received bribes from Odebrecht.]

(27/11/2017) **ET15: Los peritos del caso Odebrecht rinden testimonio en la corte.** El abogado del Vicepresidente asegura que ninguna de ellos ha mencionado el nombre de su defendido. César Montufar, acusador particular, dice que la asociación ilícita quedó probada.

[The experts in the Odebrecht case give their testimonies in the court. The vice president's lawyer claims that none of them has mentioned the name of his defendant. César Montufar, particular plaintiff, says that the illicit association was proven.]

(28/11/2017) **ET16: Mera: Jorge G. fue responsable de salida y regreso de Odebrecht.** El cuarto día de juicio por asociación ilícita continuó con la recepción de versiones de peritos y testigos; el Tribunal escuchará 93 en total; hasta la mañana del lunes se tomaron 40 declaraciones.

[Mera: Jorge G. was responsible for Odebrecht's way in and out. The fourth day of trial for illicit association continued with the reception of witnesses and experts versions; the tribunal will hear 93 in total; by Monday's morning 40 declarations were taken].

El Telégrafo (14/12/2017) **ET17: SEIS AÑOS DE CÁRCEL PARA GLAS.** El juez Édgar Flores Mier pidió que se investiguen delitos conexos, como peculado, concusión, cohecho, entre otros. Hasta la corte acudieron simpatizantes y opositores del segundo mandatario. **Sentencia abre el camino a nuevos procesos penales.** Los jueces se basaron en pruebas presentadas por la Fiscalía y los testimonios del delator de Odebrecht, José Santos, y el ex secretario jurídico, Alexis Mera.

[SIX YEARS OF JAIL FOR GLAS. Judge Edgar Flores Mier asked for the investigation of linked crimes, such as embezzlement, extortion, bribery, amongst others. Sympathisers and opponents of the second in charge went to court. **Sentence opens way for new criminal processes.** The judges were based on proof presented by the attorney general and testimonies of the Odebrecht informer, Jose Santos, and the ex legal secretary, Alexis Mera.]

In this phase, the headlines in *El Telégrafo* share many similarities with *El Universo* in terms of framing of information and the use of reported speech. As well, this reporting shows signs of evaluative language.

Evaluative language and high modality can be found in ET11, ET14 and ET17. The phrase *hoy se cononce el papel de Jorge G. en caso Odebrecht* [Today the role of Jorge G. in the Odebrecht case will be known] (ET11) does not question Jorge Glas's involvement but rather assumes it. Furthermore, the term *will be known* anticipates information that incriminates him. The text *Jorge Glas salió de la cárcel por unas horas* [Jorge Glas left jail for a few hours] (ET14) focuses attention on the fact that Jorge Glas leaves jail rather than, for example, him going to defend himself in court. Moreover, the phrase *fiscal rechaza estrategia para extender el proceso* [attorney general rejects strategy to extend the process] decreases the legal legitimacy of a resource used by the defence in court. Lastly, the phrase *sentencia abre el camino para nuevos procesos penales* [sentence opens way for new criminal processes] (ET17) implies that there are more crimes yet to be investigated. Similarly to *El Universo*, the language in these headlines suggests Jorge Glas's culpability and does not give space for his defence, which may be a reflection of the writer's perception of the side of the trial that is more credible.

Additionally, the brief mentioning of the judges' decision not to accuse José Conceicao Santos's coincides with *El Universo*'s reporting and supports the argument that, even though the crime was carried out by both parties, the reporting only focused on Jorge Glas's role. This provides significant insight into the writer's perception of reality and their sense of what aspect of this event is newsworthy.

The reporting also puts the attorney general as the subject in most of the stories and covers their actions against Jorge Glas. *El fiscal se abstuvo de acusar* [The attorney general abstained from accusing] (ET11), *fiscalía: Glas recibió 1.3% como comisión* [attorney general: Glas received 1.3% commission] (ET12), *fiscalía acusó a Jorge G.* [attorney general accused Jorge G.] (ET12), *fiscal rechaza estrategia* [attorney general rejects strategy] (ET14). The transitivity in these texts not only shows the actions and claims made by the attorney general, but also have Jorge Glas as the object. This demonstrates the similar treatment of Jorge Glas in Phases 1 and 2 especially with regard to the coherence in the shaping of the information where Jorge Glas's defence actions are overshadowed by the plaintiff's.

In the reporting of the trial, *El Telégrafo* highlights Jorge Glas and his suspected culpability in the case, e.g. *Jorge Glas salió de la cárcel por unas horas* [Jorge Glas left jail for a few hours], *Jorge G. fue responsable de salida y regreso de Odebrecht* [Jorge G. was responsible for Odebrecht's way in and out]. Yet by comparison, even though the acknowledgement of Jorge Glas and his defence is present, it is minimal.

Leads.

ET11: El Fiscal se abstuvo de acusar a 5 implicados dentro del caso Odebrecht [Attorney general abstained from accusing 5 suspects in case Odebrecht].

Con la lectura del dictamen abstentivo del fiscal General de la Nación , Carlos Baca Mancheno para 5 de los 18 implicados en el caso Odebrecht, se realizó la audiencia preparatoria de juicio por el delito de asociación ilícita contra el vicepresidente Jorge G. y otros 17 sindicados en la Corte Nacional de Justicia (CNJ).

[With the reading of the Attorney General, Carlos Baca Mancheno's abstentive ruling for 5 of the 18 implicated in the Odebrecht case, the preparatory hearing for the trial for the crime of illicit association against the Vice President Jorge G. and other 17 syndicated in the National Court of Justice (CNJ) started.]

Fiscalía acusó a Jorge g. y otros 12 implicados de asociación ilícita [Attorney general accused Jorge G. and other 12 suspects for illicit associations].

En una amplia exposición, el fiscal general de la nación, Carlos Baca Mancheno, acusó como autor del delito de asociación ilícita al Segundo Mandatario, así como a otros 12 implicados dentro del caso del pago de sobornos que efectuó Odebrecht, para conseguir 5 contratos millonarios en Ecuador.

[In a wide presentation, the Attorney General of the country, Carlos Baca Mancheno, accused the second in charge as author of the crime of illicit association, as well as other 12 suspects in the case of the bribe payments that Odebrecht made, to get 5 million dollar contracts in Ecuador.]

ET13: Vicepresidente enfrenta su primer juicio penal [Vice president faces his first criminal trial].

Al juez Miguel Jurado Fabara le tomó 3 horas y media leer la resolución, en la que dispone que sean llevados a juicio los 13 imputados por el delito de asociación ilícita por supuestamente recibir coimas de Odebrecht.

[It took the judge Miguel Jurado Fabara 3 hours to read the resolution in which he dictates that the 13 accused are taken to trial for the crime of illicit association for supposedly receiving bribes from Odebrecht.]

ET14: Fiscal rechaza estrategia de extender el proceso [Attorney general rejects strategy to extend the process].

El juicio contra el vicepresidente Jorge G. empezó. El Tribunal Penal de la Corte Nacional de Justicia (CNJ), conformado por Sylvia Sánchez, Édgar Flores (quien actuará como ponente) y Richard Villagómez, tiene en sus manos el destino del segundo mandatario y otros 8 acusados de asociación ilícita dentro del caso Odebrecht.

[The trial against the Vice President Jorge G. started. The criminal tribunal of the National Court of Justice. (CNJ), formed by Sylvia Sánchez, Édgar Flores (who will act as presenter) and Richard Villagómez, have in their hands the fate of the second in charge and other 8 accused of illicit association in the Odebrecht case.]

ET15: Los peritos del caso Odebrecht rinden testimonio en la corte [The experts in the Odebrecht case give their testimonies in the court].

Cerca de 30 personas (entre peritos y testigos) acudieron en tres días a la Corte Nacional de Justicia (CNJ) para dar su versión en la audiencia de juicio por el presunto delito de asociación ilícita dentro del caso Odebrecht.

[During three days, 30 people (amongst experts and witnesses) came to the National Court of Justice to give their version in the hearing in the trial for the alleged crime of illicit association in the Odebrecht case.]

ET16: Mera: Jorge G. fue responsable de salida y regreso de Odebrecht [Mera: Jorge G. was responsible for Odebrecht's way in and out].

El cuarto día del juicio penal por el delito de asociación ilícita en contra del vicepresidente y 8 implicados más continuó con las declaraciones de los testigos y peritos convocados por la

fiscalía. El primero en intervenir como testigo en la jornada judicial de ayer fue el exsecretario jurídico de la presidencia, Alexis Mera, quien respondió a las preguntas del fiscal Carlos Baca.

[The fourth day of the criminal trial for the crime of illicit association against the vice president and 8 more implicated continued with the declarations of witnesses and experts called by the attorney general. The first one to intervene as witness in yesterday's legal session was the ex-legal secretary of the presidency, Alexis Mera, who answered the questions from the Attorney General Carlos Baca.

ET17: Sentencia abre el camino a nuevos procesos penales [Sentence opens way for new criminal processes].

Seis años de reclusión menor. Esa fue la sentencia que el Tribunal Penal de la Corte Nacional de Justicia emitió la tarde de ayer en contra del vicepresidente Jorge Glas, acusado de asociación ilícita.

[Six years of low security prison. That was the sentence that the criminal tribunal of the National Court of Justice gave yesterday's afternoon against the Vice President Jorge Glas, accused of illicit association.]

The leads in *El Telégrafo* are consistent with the headlines as they highlight the attorney general and judge's actions against Jorge Glas. Furthermore, these texts use evaluative language and specific terms to narrate the development of the process, for example, *en una amplia exposición* [in a wide presentation], *5 contratos millonarios* [5 million dollar contracts] (ET12), *Al juez Miguel Jurado Fabara le tomó 3 horas y media leer la resolución* [Judge Miguel Fabara took 3 hours and a half to read the resolution] (ET13), *tiene en sus manos el destino del Segundo Mandatario* [have in their hands the future of the vice president] (ET14), *cerca de 30 personas* [close to 30 people] (ET15), *el primero en intervenir como testigo en la jornada judicial de ayer fue el exsecretario jurídico de la presidencia* [the first one to intervene in the judicial session yesterday was the ex legal secretary of the presidency] (ET16), *seis años de reclusión menor* [six years of minor reclusion] (ET17). This language increases the credibility of the case as it provides a solid perspective of the magnitude of the case and the number of people involved. These texts do not show any information on Jorge Glas's defence or their arguments.

Overall Narrative used by El Universo and El Telégrafo

In the beginning, the narrative in the reporting of this scandal showed two different approaches in describing the case and Jorge Glas's involvement. At the start of the scandal, *El Universo* began by showing Jorge Glas as powerless and disobedient. Given the use of evaluative language and the focus on the attorney general's actions rather than Jorge Glas complying and supporting them, it could be suggested that *El Universo* put Jorge Glas in the role of a false hero (Lacey, 2000). His defence actions and apparent desire to face the claims against him are overshadowed by the attorney general's request to implicate him, which reinforces the idea that he is, indeed, a suspect. Additionally, considering Bell's (1991) approach to narrative in news texts, *El Universo's* stories oriented the reporting to a point where Jorge Glas has lost political power to a degree that he cannot even play a part in the decision regarding himself. On the other hand, *El Telégrafo* showed him more defiant and rebellious, even though it emphasised that he had no tangible power, it still acknowledged his questioning of the President. This newspaper showed in its headlines both parties involved in the news, the attorney general and Jorge Glas. Both headlines in ET2 told the story of the attorney general's request and Jorge Glas's agreement with it. This could put Jorge Glas in the role of helper, as he cooperated with the case, but it is still unclear whether he may also fit the role of the villain or hero. Bell's structure of news stories would also position this stage of the reporting as the complicating action that took place after Jorge Glas refused to obey Moreno's decree that stripped him of his duties.

However, by the end of Phase 1 it is clear that both newspapers finished their reporting by emphasising Jorge Glas's powerless situation. The narrative in *El Universo* kept consistency with past reporting as it empowered the Assembly to implicate Jorge Glas in the case and portrayed the decision as final. In addition, it made him the antagonist

by implying that the approval to investigate him was synonymous with justice, which would turn his role to that of villain, making the Assembly the helper. Similarly, even though *El Telégrafo* seemed to use more factual language, its overall narrative was not too different from *El Universo*'s. Even though it did not overshadow Jorge Glas's defence as much, it did convey the message that he had lost all his political power and his fate was for others to decide.

In the beginning of Phase 2, these two different narrative approaches were still observed. By highlighting that Jorge Glas was part of the Odebrecht case, could not leave the country and spent a long time giving his testimony, *El Universo* built upon his culpability. This reporting also portrayed the whistleblower's declaration as a turning point in the case that confirmed Jorge Glas as being guilty. Neither the headlines, the sub headlines, nor the leads addressed his defence against Conceicao's accusations. By comparison, *El Telégrafo*'s narration began by portraying Jorge Glas as a leader facing justice, and rather than a guilty actor, it shows him as brave. It did that by using language that gave political power to Jorge Glas and linked him directly as collaborating with justice, like referring to him as vice president (ET6, ET8), narrating his voluntary trip to the attorney general's office and reporting that his supporters were alongside him (ET6). Even though this newspaper did highlight Jose Conceicao's accusations towards Jorge Glas, it used language that separated it from the whistleblower. Furthermore, *El Telégrafo* used claims to report alleged bribes linked to Rivera (ET7). This made the narrative of Jorge Glas's innocence more accessible to the reader as it directed the accusations onto another person.

However, this trend changed in *El Telégrafo*'s ET8, where the headlines used evaluative language to compare Jorge Glas to Lenín Moreno. Conboy (2007) argues that the way stories are told is by "telling two sides of a story" (p. 142) and either aim

to reinforce a certain position of power or to give an alternative. In *El Telégrafo*'s reporting, it seemed that the goal was to increase the president's position of power as it showed two leaders in very contrasted positions (*Moreno looks to the people; J.G. with preventive prison*), which may lead the reader to make a choice and, likely, find Lenín Moreno's accusations against Jorge Glas more credible. *El Universo*'s EL8, however, confirmed Jorge Glas's imprisonment without using any evaluative language.

When looked at as a whole, the headlines EL9 and ET9 in both newspapers illustrated the president's justification for taking the vice presidency away from Jorge Glas.

Furthermore, what stood out in this reporting was how suddenly the narrative changed soon after Jorge Glas' arrest. *El Universo* shifted from constant coverage of Glas and the Odebrecht scandal to the replacement of the vice president position. This could be seen as a change of narrative where the legitimacy or legality of this change was not discussed. The sub headline that mentioned the president having a dialogue with the press also added to the positive and legitimate take that the news media had on this, supported by text arguing the legal resource being used (temporary absence), and pointing out that this is something that had been done before. Similarly, not only did *El Telégrafo* not address the legitimacy and legality of the replacement vice president, but it also reported on the new vice president's qualifications, which acted as the endorsement of her in the position.

At this point, *El Universo*'s headlines seemed to have a more consistent reporting focusing on Jorge Glas. This newspaper constantly highlighted a relationship between Jorge Glas and the scandal, which could fit him into the villain role, with no action against him being questioned in any way. By comparison, *El Telégrafo* demonstrated a shift in the reporting on Jorge Glas that goes from impacting him positively to impacting him negatively. It started with language that overshadowed Jorge Glas's

culpability in the case but then shifted to stronger language that puts it in the foreground. In both newspapers, Jorge Glas stopped being part of the news agenda, which drastically changed from the Odebrecht case to who was taking over the vice presidency. The reporting in both newspapers also seemed to portray the news about the new vice president positively as there were no signs of questioning whether the decision was being made too soon or if the replacement was adequate.

In Phase 3, *El Universo* continued to tell a story that, rather than explored whether Jorge Glas was guilty or not, it assumed his culpability and described the progression of the case where he was ultimately found guilty. This was done through the highlighting of the court's actions against him and the overshadowing, and sometimes negative portrayal, of his defence. In the specific case where his Jorge Glas's defence was mentioned, the information conveyed emphasised failed actions and other signs of defeat in the case.

By comparison, *El Telégrafo* told a similar story in the sense that the information portrayed a process that would inevitable end in Jorge Glas's conviction. This was reflected in the stories that also contained framing actions against Jorge Glas rather than in his defence. They contained information that implied strong evidence supporting his culpability, such as the high number of people who declared in the case and the newspaper's referral to Jorge Glas's actions as a "strategy to extend the process".

Summary of Findings of Discourse Analysis and what they mean in terms of the application of the Communication Law – Odebrecht scandal reporting

This section examined the reporting of the Odebrecht case in *El Universo* and *El Telégrafo* newspapers by considering headlines, sub headlines and leads in an attempt to target parts of the text that could provide more relevant results, when compared with

the findings of the normative analysis. The news stories were selected considering the most relevant developments reported during the case. In this sense, the chosen texts for this analysis represented key events that happened since the breakout of the scandal, through to the beginning of the legal procedures until the final sentence against Jorge Glas. The analysis was carried out by looking at modality and transitivity in sentence structures, the use of verbs and adjectives, and the overall narrative in each newspaper.

Before giving more detail on the results in terms of the Communication Law, below is a general schema of the findings of the discourse analysis on the Odebrecht scandal.

Table 5

General schema of findings on the reporting of the Odebrecht scandal

<i>El Universo</i>	<i>El Telégrafo</i>
Jorge Glas is used as the object in most sentences. Reporting portrays actions being done to him.	The reporting pattern changes at mid-reporting: Jorge Glas first is used as the subject of sentences and his defence actions are highlighted. Then the reporting shifts and Jorge Glas becomes the object of the sentences and actions against him are highlighted.
Use of evaluative verbs and adjectives against Jorge Glas.	Use of evaluative verbs and adjectives: in the beginning of the reporting in favour of Jorge Glas, then it shifts to negative.
Reported speech mainly used for Jorge Glas's opponents.	Reported speech mainly used for Jorge Glas's opponents.
The narrative tells a story where Jorge Glas's culpability is assumed, and	The narrative tells a story where Jorge Glas, first, faces the accusations against him. However, it

each instance of the case is an obstacle for his imprisonment.	then shifts and fits the story of a guilty person in the process of being imprisoned.
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Amongst the most significant results, *El Universo*'s reporting demonstrated a steady and consistent framing against Jorge Glas. This could be seen through the use of sources and information that portrayed him poorly and the overshadowing of his defence claims and actions. By comparison, *El Telégrafo* showed interesting changing patterns in the reporting. It started by highlighting Jorge Glas's defence but later changed its framing against him, sharing more similarities with *El Universo* by the end of the reporting.

So far, this study raises questions around the rationale behind the reporting in these publications in terms of factors that influence each newspaper's news-making process, including what affects the selection of information for the stories published, whether there were any specific conditions that affected this reporting or not, and how the communication fit within this reporting. The analysis of the reporting in *El Universo* and *El Telégrafo* revealed language and trends that could be argued to have had an impact on the two sides in the case differently.

First, *El Universo*'s use of evaluative language showed a negative impact on Jorge Glas's defence, which contrasted *El Telégrafo*'s early language that highlighted the support he had and his attitude when he faced his accusations. In both cases, there was a presence of dramatic events, which could explain why the newspapers, regardless of their tendencies, decided to report them in a way that would catch the readers' attention. However, in such a delicate case, this approach could be also seen as, not only the writer's, but the newspaper's bias on the case. This could be directly

challenged by the Communication Law's article 25, which states that the media should abstain from having an institutional position on someone's innocence or culpability.

Other instances, such as the focus on Jorge Glas's defence as a failure or the use of factual information to add more weight to one side or the other, could be more challenging to discover without a thorough analysis of the texts. This brings out the difficulties in the application of the law as in a routine scenario, the complaints, deadlines and decisions on news texts would be shorter, and the stakes, higher.

Moreover, since journalists approach their reporting according to the situation (Oller, Chavero, Cevallos, et al., 2014), the features in the texts may respond to their appreciation of the event being reported. This means that their reporting is not necessarily the result of unethical or unfair behaviour but could be their own perspective of the news.

Phases 2 and 3 revealed changes in *El Universo*'s reporting in terms of its use of language and its focus within the scandal. Even though this reporting did feature more neutral terms, it still managed to highlight information that affected Jorge Glas negatively, which may have resulted in priming Jorge Glas's culpability. By comparison, *El Telégrafo* had a higher level of evaluative language than in Phase 1 and did seem to fit *El Universo* in terms of the framing and suggested priming of the information on Jorge Glas. These features cause concerns if put against the Communication Law as, from a structural point of view, all these news texts could be argued to follow the law's requirements in the sense that their reporting does consider all parties involved in the case. However, it is more difficult to apply the law to the decisions made on whose actions to highlight or whether those actions are beneficial or harmful for each party, as they are, in part, result of the journalists' perspectives on them. Even though these features weigh on the reporting, as they can direct public

acceptance or rejection, using legislation to assess them and reach these conclusions is an action that reveals the influence of subjective views on the texts and the events reported. As well, it is fair to consider the possibility that *El Universo*'s reporting was faithful to the facts, which indeed revealed Jorge Glas's corrupt practices. If the law is being applied by government appointed officials, it is likely that they would deem content against their Government as lawful, or unlawful, depending on how it impacts them. In this sense, even though the law's articles, in theory, aim to foster quality content, they appear to be prone to manipulation in favour of whoever is applying them, in this case, the government. The consequences of which could represent a threat to news texts that, rather than not following the law, may not match with the interests of those who apply it.

Notebooks' scandal - Argentina

Now, this discourse analysis moves on to the reporting of the notebooks' scandal in the two aforementioned Argentinean newspapers, *Clarín* and *Página 12*. This scandal broke out on the 4th of August 2018 with the detention of several people, who were accused of having received bribes, mentioned in notebooks allegedly written by Oscar Centeno. In these documents, Oscar Centeno also claimed that the ex-president Cristina Fernández was involved in and took part in several cash transactions of illicit funds. As the normative analysis revealed, the reporting of this scandal in comparison to the Odebrecht one, seems have fewer stories and covers a shorter period. It also revealed that the majority of stories were published at the beginning of the case and then declined rapidly over the rest of the period.

Following the same analytic approach used in the Ecuadorian case study (transitivity, modality, verbs, adjectives and narrative), this section looks at the language in the reporting of the notebooks scandal where Cristina Fernández was the main actor. The

objective of this analysis is to provide a clear perspective of the reporting of a similar scandal involving a similar media-political context but without media regulation. In this regard, the fact that this reporting was carried out without any legal requirements to follow suggests that the news texts will contain language that reflects a less regulated, and perhaps, filtered perception of the case by the journalists reporting on it, as well as their views on it and possibly stronger indications of any editorial positions on the scandal. As a result, this analysis provides this study with a perspective of what unregulated reporting looks like, helping the theorisation of the extent to which the Ecuadorian Communication Law played a role in the reporting of the Odebrecht scandal.

It is important to note that the notebooks' scandal covered a larger number of people than the Odebrecht one, including several public officials and private business owners, which resulted in a large number of stories being tagged by the newspapers as coverage of the scandal. However, the number of stories used in this analysis reflect the reporting of key events involving Cristina Fernández and regarding the notebooks scandal. In order to facilitate an in-depth and thorough analysis of their texts, as well as maintain a clear scope of the analysis that can be compared with the Ecuadorian case study, only the news texts covering key developments, such as court sentences, proceedings or parliament decisions, involving Cristina Fernández in the notebook's scandal were selected for this study. All these texts were published in the print version of the newspapers and were examined in terms of transitivity, modality, adjectives, and the use of sources and reported speech, with the overall aim to find patterns throughout the reporting. In order to clearly identify analytical patterns, this examination also divided the reporting into four phases. Phase 1 covered the breakout of the scandal, Phase 2 referred to Cristina Fernández's response, Phase 3 looked at the senate's actions

regarding the accusations against her, and Phase 4 examined the final actions against her until the coverage of a judge's decision to declare her as not involved in one of the cases. This division reflected the different instances that the case went through and how the coverage responded to it. For the purposes of this analysis, they provided clear stages in the reporting that helped the researcher to understand and contextualise the language features found. The total number of news texts in this analysis is twenty-two, divided as follows:

Phase 1

Clarín: 3 stories.

Página 12: 2 stories.

Phase 2

Clarín: 7 stories.

Página 12: 2 stories.

Phase 3

Clarín: 2 stories.

Página 12: 1 story.

Phase 4

Clarín: 3 stories.

Página 12: 2 stories.

In this part of the discourse analysis, the texts in this case study were also categorised with codes that identify the newspapers and each text in order of publication.

Clarín stories were tagged with the code CL followed by numbers that corresponded to their date of publication e.g. CL1 corresponds to the first news report in the case published by *Clarín*.

Página 12 stories were tagged with the code PG followed by a number that corresponded to their date of publication eg. PG1 corresponds to the first news report in the case published by *Página 12*.

Findings in Phase 1. Clarín

Headlines and subheadlines.

(2/08/2018) **CL1: YA HAY SEIS EMPRESARIOS PRESOS Y CITAN A INDAGATORIA A CRISTINA.** *Con datos sobre coimas que el chofer de Baratta tenía en cuadernos, el juez Bonadio detuvo a ex funcionarios y empresarios. La expresidenta declara en 13 de agosto.*

[THERE ARE ALREADY SIX BUSINESSMEN IN JAIL AND THEY CALL CRISTINA FOR INVESTIGATION. *With information on bribes that Baratta's driver had in his notebooks, the judge Bonadio detained ex public servants and businessmen. The ex-president declares on the 13th of August.]*

CL2: El chofer Centeno declara hoy y le van a proponer ser "imputado colaborador". *Como no tenía abogado el juez le ofreció uno oficial, que quiso reunirse con él antes de la indagatoria.*

[The driver Centeno declares today and they are going to propose him to be "collaborating suspect". *As he did not have a lawyer, the judge offered him a public one, who wanted to meet with him before the investigation session.]*

CL3: Las razones para otra indagatoria de Cristina Kirchner. *La situación de la senadora. La consideran partícipe de la maniobra.*

[The reasons for another investigation session against Cristina Kirchner. *The senator's legal situation. They consider her a participant in the scheme.]*

Phase 1 starts with the scandal breaking and the declarations of a public official's ex driver, Oscar Centeno, who claimed that he registered in his notebook a series of illegal cash transactions involving public officials and businessmen. It is clear that in this stage, the texts shape the information focusing on Cristina Fernández as the centre of the scandal.

In these *Clarín* headlines, Oscar Centeno, the ex-driver, and Cristina Fernández are addressed. On the one hand, CL2 uses quotation marks to refer to the possible change of legal status that Oscar Centeno may get. A collaborating suspect is someone who, even though has committed a crime, is eligible for a lighter punishment as a result of his collaboration with the legal process. On the other hand, however, it can be seen how Cristina Fernández starts being used as the object in sentences addressing her potential culpability. For instance, CL1 reads *citan a indagatoria a Cristina* [they call Cristina for investigation], and CL3 validates this action with *las razones para otra indagatoria de Cristina Kirchner* [the reasons for another investigation of Cristina]. It is clear how these stories started putting the accuser and the accused on opposite sides, where the accuser seems to be given a more positive portrayal. This was an interesting sign as it showed how discourse practices can handle information in ways where something as obvious as someone who clearly was part of a crime, can be shown as a helper or a victim, whereas Cristina Fernández, who was accused, was very quickly shown, without any solid evidence yet, as another suspect.

Leads.

CL1: YA HAY SEIS EMPRESARIOS PRESOS Y CITAN A INDAGATORIA A CRISTINA [THERE ARE ALREADY SIX BUSINESSMEN IN JAIL AND THEY CALL CRISTINA FOR INVESTIGATION].

Los datos sobre las coimas figuraban en los cuadernos del chofer de Roberto Baratta, el ex 2º de De Vido en el Ministerio de Planificación kirchnerista. Entre los 12 detenidos hay ex funcionarios –incluido Baratta- y empresarios. Y el juez Bonadio ordenó otras seis capturas. Cristina tendrá que declarar el 13 de agosto y también lo harán De Vido y el ex juez Oyarbide. Para el fiscal Stornelli, se constituyó “una asociación ilícita” desde Planificación, que habría movido US\$160 millones.

[The information on the bribes were in the notebook of Roberto Baratta’s driver, the ex 2nd of De Vido in the Ministry of Planification *kirchnerista*. Amongst the 12 detained there are ex-executives – including Baratta – and businessmen. And judge Bonadio ordered six more arrests. Cristina will have to declare on the 13th of August and so will De Vido and ex judge Oyarbide. For the District Attorney Stornelli, there was an “illicit association” from the Planification department, that allegedly moved US\$160 million.]

CL2: El Chofer Centeno declara hoy y le van a proponer ser “imputado colaborador [The driver Centeno declares today and they are going to propose him to be “collaborating suspect”.

Oscar Centeno no ocultó su nerviosismo ante el juez Claudio Bonadio y el fiscal Carlos Stornelli. Cuando comenzó la indagatoria, el ex chofer de Roberto Baratta –ambos detenidos en la causa judicial que reconstruye el camino de coimas millonarios vinculadas a empresas de la construcción y del sector energético- el primer detenido en este expediente designó un defensor oficial quien en ese momento no se encontraban con él. Por ello, el acto formal de la indagatoria se realizará hoy desde las 8 y será allí cuando Stornelli le proponga ser un imputado colaborador.

[Oscar Centeno did not hide his nervousness to the judge Claudio Bonadio and the District Attorney Stornelli. When the investigation hearing started, Roberto Baratta’s ex-driver – both detained in the case that reconstructs the path of the millionaire bribes linked to construction and energy companies - the first detained in this case assigned an official defence lawyer that was not with him at the moment. Because of this, the formal act in the investigation hearing will take place today from 8 o’clock and it will be then when Stornelli proposes him to be collaborating suspect.]

CL3: Las razones para otra indagatoria de Cristina Kirchner. [The reasons for another investigation session against Cristina Kirchner].

En el marco de la causa por los bolsos de las coimas donde ya hubo once detenciones, el juez Claudio Bonadio citó a indagatoria a Cristina Kirchner para el 13 de agosto, al considerarla partícipe necesaria de la maniobra.

[In the case of the bags with the bribes where there has already been eleven arrests, judge Claudio Bonadio called Cristina Kirchner for investigation on the 13th of August, as he considers her a necessary participant in the scheme.]

On the one hand, in the leads, there was evidence of language that expands on Cristina Fernández’s future obligations in the legal processes of this case (CL1, CL3). On the other hand, CL2 expanded on Oscar Centeno’s appearance in court, conveying submissive and compliant behaviours.

CL1 showed high modality language used to address her by using the auxiliary verb *tendrá* [*will have to*]. This verb conveys an obligation to do something, which implies that Cristina Fernández did not have the power to make decisions. This overshadowed her position as senator and the authority it signified. The name of the judge who called her for investigation appeared in the lead as the subject: *el juez Claudio bonadio citó a indagatoria a Cristina Kirchner para el 13 de agosto* [judge Claudio Bonadio called Cristina Kirchner for investigation on the 13th of August] (CL3). The fact that his name

appeared in the lead rather than the headline supports the idea that, in this process, Cristina Fernández represented the highest amount of newsworthiness amongst all the parties involved. By contrast, the lead in CL2 used language that supported Oscar Centeno's apparent obedience, for instance, the phrase *Oscar Centeno no ocultó su nerviosismo ante el juez* [Oscar Centeno did not hide his nervousness to the judge] connoted his awareness of the seriousness of the case and his docility to the judge.

So far, this analysis noticed the presence of modifiers collocated with Cristina Fernández. The material from *Clarín* shows her name used next to *investigation* and *participant in the scheme*. This language directly associated her with the alleged crime and highlighted her involvement as the main aspect of the scandal. Bell (1991) sees this as the action on which the whole story is centred. By comparison, Oscar Centeno was referred to with terms that portrayed him positively in the scandal, such as 'collaborating suspect', which highlighted his willingness to contribute to the case rather than the fact that he was also a participant in the alleged bribes. These two different approaches are signs of the newspaper's storytelling, where the story being told is the start of the process to punish Cristina Fernández for her corruption with the help of someone who was part of the bribery acts.

Findings in Phase 1. Página 12

Headlines and subheadlines.

(2/08/2018) **PG1: Las interrogantes sin respuestas.** *Las preguntas que ya plantea la razzia a pesar de los escasos elementos conocidos más allá de la parafernalia mediática. Hay dudas respecto de las pruebas y también sobre el desarrollo de la causa judicial.*

[The interrogatives without answers. *The questions raised after the raid despite the few known elements beyond the media show. There are doubts regarding the evidence and the development of the legal case.*

PG2: Un "lava jato" por ocho cuadernos. *Las anotaciones del chofer de Roberto Baratta desataron ayer una ola de detenciones y todavía quedaban otras capturas pendientes. Además, fue citada a indagatoria Cristina Kirchner junto a otros ex funcionarios.*

[A “lava jato” for eight notebooks. Roberto Baratta’s driver’s notes caused a wave of detentions yesterday and there were still some pending. In addition, Cristina Kirchner along with other ex-public servants was called for investigation.]

By contrast, *Página 12*’s publications did not give Cristina Fernández the same exposure. In fact, they were centred on the description of the arrests that took place and question the legitimacy of Oscar Centeno’s notes, which started the scandal.

PG1’s text showed strong evaluative language that decreased the validity of Oscar Centeno’s allegations. Even though the text *las interrogativas sin respuestas* [the interrogatives without answers] did not give a clear message, its intention was understood after reading the sub headline *Las preguntas que ya plantea la razzia a pesar de los escasos elementos conocidos más allá de la parafernalia mediática. Hay dudas respect a las pruebas y también sobre el desarrollo de la causa judicial* [the questions raised after the raid despite the few known elements beyond the media show.]

By using the word *doubts* and referring to the scandal as a *media show*, PG1 undermined the legal robustness of the scandal and its ability to develop as a case and instead focused on the inconsistencies or questions around the scandal. As well, the phrase a “*lava jato*” for eight notebooks compared this scandal to another iconic corruption case, however, it ridicules the latter as it implied that eight notebooks may not be strong enough proof to start a legal process.

Cristina Fernández was briefly mentioned in regards to her appointment to declare before a judge. Unlike *Clarín*, the text *Cristina Kirchner along with other ex-public servants was called for investigation* put her at the same level as the other people involved, decreasing her protagonism and central role in the case.

Leads.

PG1: Las interrogantes sin respuestas [The interrogatives without answers].

Un relevamiento de los escasos elementos que se conocen respecto de la razzia de ayer plantea una larga serie de interrogantes que, al menos por ahora, no tienen respuesta. Quienes conocen a Oscar Centeno, el chofer que seguramente será arrepentido hoy, sostienen que “es corto para hablar”. Según cuentan no parece un hombre de nivel educativo, fue dado de baja por el Ejército y sigue haciendo trabajos de remisero. Sin embargo, los textos no encajan para nada con ese perfil. Gramática perfecta, sin errores de ortografía, por ejemplo las comas, los dos puntos y el punto y coma figuran de manera impecable.

[A review of the few elements that are known in regards to yesterday’s raid reveals a long list of questions that, at least for now, do not have answers. Those who know Oscar Centeno, the driver who will surely become a penitent today, say that he is “not a man of words”. According to them, he does not look like an educated man, was fired from the army and keeps doing messenger jobs. However, the texts do not fit this profile. Perfect grammar, with no spelling mistakes, for example, the commas, the colon and semi colon are done impeccably.]

PG2: Un “lava jato” por ocho cuadernos [A “lava jato” for eight notebooks].

El origen de esta investigación está en una causa en la que se investigan sobreprecios en la compra de Gas Natural Licuado, que está a cargo de Bonadio y de Stornelli, y en la que estuvieron detenidos tanto De Vido (que sigue preso por otros temas) y Baratta, situación que revirtió la Cámara Federal.

[The origin of this investigation lies on a case in which there is an investigation of overprices in the purchase of natural gas, in charge of Bonadio and Stornelli, in which De Vido (currently in jail for other matters) and Baratta were detained, a situation that was reverted by the Federal Chamber.

Evaluative language was also present in these leads. In its description of Oscar Centeno (PG1), *Página 12* talked about his past using evaluative language that expressed negative epistemic modality (Nuyts, 2001), such as *el chofer que seguramente será arrepentido hoy, según cuentan, no parece hombre de nivel educativo, los textos no encajan para nada ese perfil, las comas, los dos puntos o el punto y coma figuran de manera impecable* [*the driver who will surely become a penitent, rumor has it he does not seem an educated man, the texts do not fit that profile, commas, colons, semicolons are done impeccably*]. In contrast to the reports from *Clarín*, which focused on Centeno’s collaboration in the case, this report suggested that his background made him untrustworthy in his allegations and reflected the writer’s judgement in terms lack of trust in the documents and judgement towards Oscar Centeno’s reliability. This kind of evaluative language seemed more like an opinion piece than a news report and showed

a narrative that, unlike *Clarín*, told a story of inconsistent and weak proof that would not likely hold up in court.

An analysis of the reports published right after the scandal broke out suggested that in *Clarín*, Cristina Fernández is considered the most newsworthy aspect of the case and her involvement as a suspect is validated. However, the reporting highlighted actions taken against her without acknowledging her responses. This portrayed her as the object of the story and overlooked her defence actions. Even though Oscar Centeno was part of the investigation, *Clarín* reports on his opportunity to help the case, whereas Cristina Fernández's role is reported as a figure who was likely to have taken part in the bribes, and therefore, a person to scrutinise. By comparison, *Página 12* did not highlight Cristina Fernández's role in the scandal and questioned the reliability of Centeno's accusations by using high modality language. This demonstrates that the two newspapers started the reporting of the scandal with approaches that differed considerably from each other, showing opposite frames. As this analysis develops, the level of consistency of these features will allow this study to come to conclusions about the reporting regarding Cristina Fernández in terms of fairness, balance, impartiality, and how it would fit with the Ecuadorian Communication Law's requirements.

Findings in Phase 2. Clarín

Headlines and subheadlines.

(10/08/2018) **CL4: CRISTINA ESTABA EN LA QUINTA DE OLIVOS CUANDO LLEVABAN LOS BOLSOS CON DÓLARES.** *Revelaciones exclusivas que complican a la expresidenta.*

[CRISTINA WAS ON THE 5TH IN OLIVOS WHEN THEY TOOK THE BAGS WITH DOLLARS.
Exclusive revelations that put the ex-president in a difficult situation.]

(12/08/2018) **CL5: Wagner, el constructor arrepentido, involucró a Cristina en forma directa en las coimas. Fue presidente de la Cámara de la Construcción.** *Declaró como "imputado colaborador" en el juzgado a cargo de la causa de los cuadernos. Aldo Roggio también aportó datos.*

[Wagner, the penitent builder, involved Cristina directly in the bribes. He was president of the Construction Chamber. He declared as “collaborating accused” at the court in charge of the notebooks’ case. Aldo Roggio also gave data.]

(13/08/2018) CL6: POR LOS CUADERNOS INDAGAN A CRISTINA COMO JEFA DE UNA ASOCIACIÓN ILÍCITA. Cristina declara por las coimas y se compromete más su situación judicial. Es la primera vez que debe dar explicaciones por sobornos. Wagner, ex titular de la Cámara de la Construcción, confesó el entramado de “retornos” con la obra pública que llegaba a ella.

[FOR THE NOTEBOOKS THEY INVESTIGATE CRISTINA AS HEAD OF ILLICIT ASSOCIATION. Cristina declares on the bribes and her legal situation gets compromised. It is the first time that she has to give explanations about the bribes. Wagner, ex head of the Construction Chamber, confessed the scheme of “returns” in the public sector that reached her.]

CL7: El relato de los cuadernos y todas las pruebas que complican a Cristina. En el expediente hay evidencias de que la expresidenta era parte central de la maniobra de recaudación de dinero ilegal. Los K insisten con que no sabía nada.

[The tale of the notebooks and all the proof that puts Cristina in a difficult situation. There is proof in the file that the ex-president was a central part of the scheme for the collection of illegal money. Ks insist that nobody knew anything.]

(14/08/2018) CL8: ALLANAN DOS PISOS EN EL EDIFICIO DONDE VIVE CRISTINA EN BUSCA DE DINERO. Cuadernos de las coimas: allanaron el edificio de Cristina para buscar pruebas. Son unidades del 1 y 4 piso del edificio de Juncal al 1400 que pertenecen a Cristóbal López. La Policía no puede entrar al departamento de la expresidenta por sus fueros.

[THEY RAID TWO FLATS IN THE BUILDING WHERE CRISTINA LIVES IN SEARCH OF MONEY. Bribery notebooks: they raided the building where Cristina lives in the search of proof. They are units in floors 1 and 4 in the building on 1400 Juncal that belong to Cristóbal López. The police cannot enter the ex-president’s apartment due to her political immunity.]

CL9: La expresidenta no declaró, recusó a Bonadio y apuntó contra Macri. No quiso responder preguntas en su indagatoria, pero en tres escritos reiteró que es una perseguida.

[The ex-president did not declare, disqualified Bonadio and aimed against Macri. She did not want to answer any questions at her investigation, but in three documents, she ratified that she is being persecuted.]

CL10: Sin saludar ni tomar agua, Cristina firmó los escritos en su lapicera. Disgustada. La expresidenta solo abrió la boca en Comodoro Py para decir que no iba a declarar. Por primera vez de las cuatro que la indagó, el juez Bonadio no estaba.

[Without greeting or drinking water, Cristina signed the documents with her pen. Upset. The ex-president only opened her mouth at Comodoro Py to say that she would not declare. For the fourth times that he interrogated her, this one was the first one where Bonadio was not there.]

The next stage of the reporting, Phase 2, covered the court appearances for the notebooks’ scandal. This included Cristina Fernández and the other people involved.

This stage showed language features that could be considered stronger in their framing towards Cristina Fernández's culpability than the language features used in the Ecuadorian case study.

A noticeable feature in this stage is the use of evaluative language that affects Cristina Fernández negatively, for instance, *revelaciones exclusivas que complican a la expresidenta* [exclusive revelations that trouble the ex-president] (CL4), *Cristina declara por las coimas y se compromete más su situación judicial* [Cristina declares on the bribes and her legal situation gets compromised] (CL6), *todas las pruebas que complican a Cristina* [all the proof that puts Cristina in a difficult situation] (CL7) and *Disgustada. La expresidenta solo abrió la boca en Comodoro Py para decir que no iba a declarar* [upset. The ex-president only opened her mouth at Comodoro Py to say that she would not declare] (CL10). These texts across the reporting in this phase, built up a story where the elements of the investigation are considered concrete and undeniable evidence that reveal Cristina Fernández's culpability.

When reporting her appearance in court (CL9 and CL6), the headlines and sub-headlines referred to her in the active voice, in contrast to past reporting. However, the actions assigned to her are negative, for instance, *no declaró* [did not declare], *descalificó* [disqualified], *apuntó a* [aimed against], *no quiso responder* [did not want to answer], *sin saludar o tomar agua* [without greeting or drinking water]. In terms of transitivity, here it can be seen that using Cristina Fernández as the object in all these negative actions strongly portrays her as hostile and uncooperative. In addition, she was referred to as *acusada* [accused] and *responsable* [responsible] for the bribes in the scandal. Here, the modality tool reveals that she was being highlighted as the main actor in the scandal, even though many more people were involved.

All these features working together, along with the texts in CL5 and CL8, that cover other events that involve Cristina Fernández, such as *el constructor arrepentido*, *involucró a Cristina en forma directa en las coimas* [the penitent builder involved Cristina directly in the bribes] and *allanan dos pisos en el edificio donde vive Cristina en busca de dinero* [they raid two flats where Cristina lives in search for money], maintained a clear news framing where she was not only a main actor and very likely to be a guilty suspect, but also the centre of attention in the development of this case, despite several other people being involved.

Leads.

CL4: CRISTINA ESTABA EN LA QUINTA DE OLIVOS CUANDO LLEVABAN LOS BOLSOS CON DÓLARES [CRISTINA WAS ON THE 5TH IN OLIVOS WHEN THEY TOOK THE BAGS WITH DOLLARS].

En su relato ante la Justicia, según pudo saber Clarín, el chofer Oscar Centeno describió sus viajes a la Quinta de Olivos junto al ex funcionario Baratta. Y afirmó que, cuando se le llevaban los bolsos con dólares a Néstor 3 veces por semana, Cristina se sumaba a las reuniones “vestida de jogging”. Y que, tras su muerte, los encuentros siguieron a razón de uno cada siete días. Trasladaban los bolsos a la residencia y la expresidenta siempre se dejaba ver.

[In his story before justice, according to what Clarín could learn, the driver Oscar Centeno described his trips to the fifth on Olivos with the ex-executive Baratta. And affirmed that, when they took the bags with dollars to Nestor three times a week, Cristina joined the meetings “wearing jogging clothes”. And that, after his death, the meetings kept going once every seven days. They transported the bags to the residence and the ex-president always showed up].

CL5: Wagner, el constructor arrepentido, involucró a Cristina en forma directa en las coimas [Wagner, the penitent builder, involved Cristina directly to the bribes].

El empresario Carlos Wagner que declaró como “arrepentido” en la causa de los cuadernos y bolsos K involucró directamente a la expresidenta Cristina Kirchner como jefa del sistema de recaudación ilegal que él mismo contribuyó a armar.

[The businessman Carlos Wagner who declared as “penitent” in the case of the notebooks and bags K involved the ex-president Cristina Kirchner directly as head of the system of the illegal money collection that he contributed to set up].

CL6: Cristina declara por las coimas y se compromete más su situación judicial [Cristina declares on the bribes and her legal situation gets compromised].

Por primera vez, Cristina Kirchner pisará los Tribunales de Comodoro Py acusada directamente como responsable de comandar un sistema de coimas mientras era Presidenta de la Nación.

Esta asociación ilícita, como la calificó el fiscal Carlos Stornelli, habría movido en fondos ilegales unos 200 millones de dólares en diez años.

[For the first time, Cristina Kirchner will step on the courts at Comodoro Py directly accused as responsible of commanding a bribes system while she was the president of the nation. This illicit association, as it was called by the District Attorney Carlos Stornelli, allegedly moved 200 million dollars of illegal funds in ten years.]

CL7: El relato de los cuadernos y todas las pruebas que complica a Cristina [The tale of the notebooks and all the proof that puts Cristina in a difficult situation].

La expresidenta Cristina Kirchner nunca imaginó que iba a llegar tan comprometida a declarar ante el juez federal Claudio Bonadio y el fiscal Carlos Stornelli en la causa de las coimas. Cuando arrancó el caso, hace 12 días atrás con la detención de Roberto Baratta tras las revelaciones escritas en los 8 cuadernos de Oscar Centeno, la expresidenta imaginaba que le alcanzaría con una defensa política para salir airosa.

[The ex-president Cristina Kirchner never imagined that she would be so compromised to declare before the federal judge Claudio Bonadio and the District Attorney Carlos Stornelli in the case of the bribes. When the case started, 12 days ago with the arrest of Roberto Baratta after the written revelations in Oscar Centeno's notebooks, the ex-president imagined that political defence would be enough for her to get away easily].

CL8: Cuadernos de las coimas: allanaron el edificio de Cristina para buscar pruebas [Bribes notebooks: they raided the building where Cristina lives in the search of proof].

Efectivos de la policía federal allanaron dos departamentos del edificio de la calle Juncal al 1400, esquina Uruguay, en el barrio porteño de Recoleta, habitual residencia de la expresidenta Cristina Kirchner. Pero no ingresaron al departamento de Cristina porque está protegido por sus fueros de senadora.

[Officers of the federal police raided two apartments in the building on Juncal Street 1400, on the corner of Uruguay street, in the port neighbourhood of Recoleta, usual residence of the ex-president Cristina Kirchner. But they did not get into Cristina's apartment because it is protected by her immunity as senator].

CL9: La expresidenta no declaró, recusó a Bonadio y apuntó contra Macri [The ex-president did not declare, disqualified Bonadio and aimed against Macri].

Por sexta vez, desde que dejó la Casa Rosada, Cristina Kirchner tuvo que enfrentar una indagatoria en una causa por presunta corrupción. En este expediente la actual senadora está acusada de ser jefa de una asociación ilícita dedicada al cobro de sobornos cuando estaba frente al Ejecutivo.

[For the sixth time, since she left the presidential house, Cristina Kirchner had to face an investigation hearing in a case of alleged corruption. In this case the current senator is accused of being the head of illicit association dedicated to the payment of bribes when she led the executive.]

CL10: Sin saludar ni tomar agua, Cristina firmó los escritos en su lapicera [Without greeting or drinking water, Cristina signed the documents with her pen].

“Fuerza Cristina” expresaba el único cartel con el que un grupo de personas la esperaba cuando por sexta vez tras dejar la Casa Rosada tuvo que volver a los Tribunales de Comodoro Py a declarar por una causa judicial. En este caso, señalada como jefa de una asociación ilícita

dedicada a recaudar sobornos que aportaban empresarios de la construcción y del sector energético.

[“Be strong Cristina” said the only sign with which a group of people waited when for the sixth time after leaving the presidential house, she had to come back to the courts at Comodoro Py to declare in a legal suit. In this case, accused of head of an illicit association dedicated to collect bribes given by businessmen in the construction and energy sectors.]

In the leads, there is also use of reported speech through the use of quotes. CL4 is the first text in this analysis that uses quotation marks: *Y afirmó que, cuando se le llevaban los bolsos con dólares a Néstor 3 veces por semana, Cristina se sumaba a las reuniones “vestida de jogging”* [and he affirmed that, when they took bags with dollars to Nestor 3 times a week, Cristina joined the meeting ‘wearing jogging clothes’]. The use of quotations in this phrase could be interpreted as the writer creating distance from the declaration given by Cristina Fernández’s accuser. However, the text that was chosen in this citation also implies the alleged bribes and Cristina Fernández’s participation on them as regular, common and normalized transactions. The fact that *Página 12* did not report this at all suggests a different appreciation of the newsworthiness of this testimony. This raises questions in terms of their rationale to decide which specific aspects of the case were newsworthy and their connection to Cristina Fernández.

The leads also showed some evaluative language that could be argued to suggest her culpability through the revelation of hidden truths. For instance, *The ex-president Cristina Kirchner never imagined that she would be so compromised to declare before the federal judge Claudio Bonadio (CL7), the ex-president imagined that political defence would be enough for her to get away easily (CL7), For the sixth time, since she left the presidential house, Cristina Kirchner had to face an investigation hearing in a case of alleged corruption (CL9), “Be strong Cristina” expressed the only sign with which a group of people waited for her when, for the sixth time after leaving the*

presidential house, had to come back to the Comodoro Py courts (CL10). Protesse et al. (1991) see this aspect in journalism as natural in its exercise. In other words, the exposure of Cristina Fernández facing justice for past alleged corruption using language that considers her perspective in the case, can be seen as a way to provide a clearer picture of the events while also suggesting her feelings about the developments. However, even though this language can make the content easier to understand, in this case it strongly supports the portrayal of Cristina Fernández as being caught and held accountable for her past corruption acts. This was also built up by the leads in CL9 and CL10, which recapitulated how she ended up having to face legal processes as a suspect.

Findings in Phase 2. Página 12

On the other hand, the first noticeable thing in *Página 12*'s coverage was that it did not have as many stories as *Clarín* did and it used CFK (Cristina Fernández de Kirchner) as a term to refer to Cristina Fernández. The shorter number of stories could be due to a number of reasons, such as fewer resources in covering the scandal, or a deliberate decision not to give too much attention to this topic. The latter could be seen as an editorial decision based on the past treatment that this newspaper has given to the scandal, where it has questioned the accuser's credibility and claimed the lack of grounds to involve Cristina Fernández in the case. It may be suggested that *Página 12* did not give too much space to this case as it did not consider it solid enough for its development as a legal case.

In terms of language, from Phase 2 the reporting in *Página 12* seemed to also use strong language, however, in favour of Cristina Fernández and against the judicial process.

Headlines and subheadlines.

(13/08/2018) **PG4: Las páginas no escritas de los cuadernos.** *Hoy declara Cristina Kirchner en la causa por las fotocopias del chofer de Baratta. La expresidenta presentará un escrito denunciando la persecución que sufre desde hace más de dos años y no responderá preguntas. Cómo sigue la causa, los puntos oscuros, la puerta giratoria de Comodoro Py y las pruebas que faltan.*

[The unwritten pages of the notebooks. *Today Cristina Kirchner declares in the case of Baratta's driver's notebooks' photocopies. The ex-president will present a document denouncing the persecution she is suffering for more than two years, and that she will not answer questions. How the case is going, the obscure points, Comodoro Py's revolving door and the missing proof.]*

(14/08/2018) **PG5: CFK denunció una persecución.** *La expresidenta se presentó ayer en la causa de los cuadernos. La senadora presentó tres escritos en donde sostuvo que el Poder Judicial, el Ejecutivo y los medios hegemónicos actúan de manera coordinada en su contra y recusó al juez y al fiscal. Luego hubo allanamientos en su edificio.*

[CFK denounced persecution. *The ex-president showed up yesterday for the notebooks case. The senator presented three documents where she maintained that the judicial and executive powers, along with hegemonic media act co-ordinated against her and disqualified the judge and the district attorney. After that, her building was raided.]*

Compared to *Clarín*, *Página 12* focused on Cristina's defence of the accusations against her instead of her culpability. In terms of transitivity, this newspaper used her name as the subject and acknowledged her actions with their respective rationale. For example, the sub-headline in PG4 reads *the ex-president will present a document denouncing the persecution that she suffers for the last two years* (PG4). Even though *Clarín* mentioned this, it did not say that it was the reason why Cristina Fernández decided not to collaborate with the court. Furthermore, in this text, *Página 12* did not use reported speech when bringing up the persecution claims. In its headline, PG5 used the persecution and action verbs such as *maintained* and *denounced*. This can be seen as more sympathetic reporting that puts Cristina Fernández in the position of victim, unlike *Clarín*, which focuses on her culpability. These stories did not show signs of evaluative or marked modality but rather gave a strong voice to Cristina Fernández and her position on the case.

Leads.

PG4: Las páginas no escritas de los cuadernos [The unwritten pages of the notebooks].

La expresidenta Cristina Fernández de Kirchner estará esta mañana frente al juez Claudio Bonadio y el fiscal Carlos Stornelli. Como anticipó *Página 12*, entregará un escrito, no aceptará preguntas porque considera que ni el magistrado ni el fiscal están habilitados para llevar adelante la causa dado que ya han sido denunciados en forma reiterada por enemistad manifiesta.

The ex-president Cristina Fernandez de Kirchner will be before judge Claudio Bonadio and District Attorney Carlos Stornelli tomorrow. As *Página 12* anticipated, she will hand in a text, will not accept questions because she considers that neither the magistrate nor the District Attorney are enabled to be in charge of the case as they have been denounced on many occasions for manifested animosity.

PG5: CFK denunció una persecución [CFK denounced persecution].

Cristina Fernández de Kirchner sostuvo que existe una persecución política en su contra en la que actúan coordinados “el Poder Judicial, el Poder Ejecutivo y los medios hegemónicos”. En el escrito que presentó como descargo en la causa de las fotocopias de los cuadernos Gloria dice que fue “imputada y procesada en tres causas distintas por haber sido la jefa de la misma presunta asociación ilícita” destinada a obtener, según se le adjudica, dinero ilegítimo por parte de empresarios que recibieron contratos de obra pública entre los años 2003 y 2015”.

[Cristina Fernandez de Kirchner claimed that there is a political persecution against her in which “the judicial power, the executive and the hegemonic media” act co-ordinately. In the text that she presented in the case of the notebooks’ photocopies she says that she was “accused and processed in three different cases for being the head of the same alleged illicit association” used to collect, according to what is being attributed to her, illegitimate money from businessmen that received public contracts between years 2003 and 2015].

The leads continued the same supportive treatment of Cristina Fernández by only covering her side and by most of the information coming from her being quotes that responded in retaliation against her accusations. At this point of the analysis, it could be suggested that *Página 12* tended to lack balance in their stories, which could result in not only questioning those who were accusing her, but also completely ignoring their arguments against her. This kind of reporting could affect the information presented as it would not provide a full picture of what was happening. It would also affect the newspaper’s credibility as its partiality on political news could signify only one portion

of the audience would want to read its content. This may result in an image of being perceived as unbalanced with either a partiality to news from right-wing newspapers, or as a propaganda tool that benefits left-wing politicians. These results makes sense if they are looked at by having in mind the way government communication was done during Cristina Fernández's government, which did not rely too much on public media, but it adopted policies of support to some private media in exchange for editorial support. These generally included the purchase of advertisement space in exchange for editorial support.

What would this mean in terms of the Communication Law?

Even though the Argentinean reporting is not subjected to the articles of a Communication Law as Ecuador is, it is important to tease out whether its content presented features that would be deemed challenging to assess or not. By analysing the features in the reporting of a similar case study under an unregulated context, the study could theorise the extent to which the law was reflected in the Ecuadorian reporting.

After examining phases 1 and 2 of the Argentinean reporting, some features can be identified as similar and different when compared to the Ecuadorian reporting. Since the beginning of the scandal, *Clarín* used language and framed the information in a way that affected Cristina Fernández negatively and legitimised the accusations against her. By comparison, in this case study *Página 12* seemed take an opposite stance on the scandal and showed texts that support Cristina Fernández and highlighted her innocence. Though, the interesting finding here is that the language used in both newspapers is much more explicitly supportive of or against Cristina Fernández than was the language in the newspapers in the Jorge Glas case. For example, *the reasons for another investigation against Cristina Kirchner, Cristina was on the 5th on Olivos when they took the bags with dollars and CFK denounced persecution*, are all headlines

that show how strong language contributes to her culpability and innocence, respectively. Having these features in mind, hypothetically, these texts would not likely be considered ambiguous or challenging if put against the Communication Law. This is because they would show clear features of imbalance or unfairness by emphasising their position on Cristina Fernández's culpability, undermining or not acknowledging her respective counterparts, and making claims regarding the validity of alleged proof against her.

So far, it can be argued that the unregulated Argentinean reporting shows textual features that, due to their strong meanings, could increase the likelihood for the readers to be primed by the information against or in favour of Cristina Fernández, depending on what newspaper they read. This raises serious concerns on how this information will affect the Argentinean audience's future decision-making, taking into account the literature arguing news media's role in its contribution to public debate.

Findings in Phase 3. Clarín

Headlines and subheadlines.

(23/08/2018) **CL11: CRISTINA NO PUDO EVITAR EL VOTO DEL SENADO PARA QUE EL JUEZ ALLANE SUS CASAS. El Senado dio luz verde para allanar las casas de Cristina y no le puso condiciones al juez. Se aprobó por unanimidad, tras la carta de aceptación de la expresidenta de la masiva marcha. Los K con parte del PJ perdieron la votación para limitar a Bonadio.**

[CRISTINA COULD NOT PREVENT THE SENATE'S VOTE FOR THE JUDGE TO RAID HER HOUSES. The Senate gave the green light to raid Cristina's houses and did not set any conditions to the judge. It was approved unanimously after the ex-president's acceptance letter and the mass march. Ks and part of PJs lost the voting to limit Bonadio.]

CL12: La expresidenta hizo un alegato: "No me arrepiento de nada de lo que hice". En su defensa, dijo que es víctima de "una estrategia regional. Y que los empresarios arrepentidos "mienten".

[The ex-president made an allegation "I do not regret anything I have done" In her defence, she said that she is victim of a "regional strategy". And that the penitent businessmen "lie"]

As part of the process of the case, there was a request from the Attorney General to raid Cristina Fernández's properties in search of evidence that would link her to the notebooks' scandal. However, her senatorial role in the Argentinean Parliament gave her political immunity. This made a parliamentary voting necessary to allow the requested raids.

At this point of the analysis, the language in the reporting of both newspapers showed different focuses on the scandal. *Clarín* represented Cristina Fernández as defeated and seems to be more aligned to the actions done against her rather than what she was doing in response, whereas *Página 12* showed her as defending herself and uses quotes with strong biblical meanings to speak against the actions done to Cristina Fernández. The *Clarín* stories reported on the day when the voting took place, when the judge of the case allowed the raids to be carried out. This story was approached by this newspaper as highlighting Cristina Fernández's failure to avoid the raids to her property.

In terms of transitivity, Cristina Fernández was used as the subject in both headlines, though they are stories against her. Here, the modality tool shows the newspaper's evaluation of the outcome, suggesting the writer's desirability for it to happen (Fowler, 1994). With the use of *no pudo prevenir* [could not prevent], CL11 framed her as powerless and without support. CL12's headline could be seen as providing balance for CL11. Here, the headline used a quote from Cristina Fernández that was not properly put into context and even though it reflected her defending herself, it is not clear what exactly she did not regret. It could be argued that here there is a lack of contextualisation that could potentially be misread if only the headline is read and interpreted as her admitting wrongdoing.

Leads.

CL11: El Senado dio luz verde para allanar las casas de Cristina y no le puso condiciones al juez [The Senate gave green light to raid Cristina's houses and did not set any conditions to the judge].

En una sesión de alto voltaje y con el PJ bajo presión, el Senado aprobó anoche por unanimidad la autorización para que la justicia allane tres domicilios de Cristina Kirchner. Fue después de dos intentos fracasados, con un peronismo dividido en ebullición, que al final tuvo que acompañar la medida.

[In a session with high voltage and with the PJ under pressure, the senate approved unanimously last night the authorisation for the justice to raid three of Cristina Kirchner's residences. It was after two failed attempts, with a divided and boiling peronismo, that in the end had to go along with the decision].

CL12: La expresidenta hizo un alegato: "No me arrepiento de nada de lo que hice" [The ex-president made an allegation "I do not regret anything I have done"].

Fueron 45 minutos y 42 segundos. Pura munición contra el Juez Claudio Bonadio –al que calificó de "títere"-, los peronistas no K, los empresarios "arrepentidos" y, con metralla variada, contra Mauricio Macri.

[It was 45 minutes and 42 seconds. Pure ammunition against judge Claudio Bonadio – whom she called "puppet"-, the not K peronistas, the "penitent" businessmen and, with machine gun, against Mauricio Macri].

In the lead, CL11 used the terms *failed attempt* and *divided and boiling Peron party*, to refer to Cristina Fernández's action and her supporters, respectively. These noun phrases may cause the reader see Cristina Fernández as weak and without cohesive support (Conboy, 2007), losing her battle against her political opponents. However, they could also be seen as evaluative language about the situation as *en ebullición* [boiling], *dividido* [divided] and *intentos fallidos* [failed attempts] reflect the writer's stance on the session (Bednarek, 2010). In CL12, the story used military language to report part of Cristina Fernández's speech during the parliamentary session. For instance "pure ammunition against the judge –whom she called 'puppet'" or "machinegun against Mauricio Macri". This evaluative language reflects the writer's perception of Cristina Fernández's attitude in the senate session as conflictive, chaotic and against everyone else.

In addition, the lead in CL12 could be contrasted with the one in CL11 as the first was composed from quotes by Cristina Fernández, whereas the second, which showed evaluative language, is not. This suggests the writer's identification with the content in CL11 more than in CL12, and shows their critical stance to her participation in the session. (Jullian, 2011).

Findings in Phase 3. Página 12

Headlines and subheadlines.

(23/08/2018) **PG6: “Es lo que faltaba para consagrar la persecución”.** *El Senado aprobó el allanamiento a los domicilios de Cristina Kirchner, que se defendió en el recinto. En un debate de alto voltaje, la Cámara alta aprobó los operativos que se realizarían hoy. La expresidenta repartió críticas al Poder Judicial y al Gobierno. Rechazaron los tres pedidos de CFK para mantener la privacidad del allanamiento.*

[It is what was missing to consecrate the persecution. *The Senate approved the raiding of Cristina Kirchner's homes, which was defended in the session. In a high voltage debate, the high Chamber approved the operations that would be done today. The ex-president gave away critics to the judicial power and the government. They rejected CFK's three requests to keep the raids private.]*

By contrast, *Página 12* did not focus on the senate as the main actor in this reporting but Cristina Fernández's response and rejected request to keep the process private, which meant prohibiting its broadcast.

In terms of language, the headline in PG6 uses a quote from Cristina Fernández: *es lo que faltaba para consagrar la persecución* [It is what was missing to consecrate the persecution]. Here, the word *consagrar* [consecrate], means to make something or someone sacred, according to the Spanish Royal Academy (2020). Jullian (2011) argues that quotations can also show evaluation, which can be observed here through the use of such a religiously loaded word. Furthermore, the use of quotes to refer to this declaration shows the intent to reflect as accurately as possible her feelings on the senate's decision. The sub headlines' use of terms such as *debate de alto voltaje* [high

voltage debate], or the phrase *la expresidenta repartió críticas al poder judicial y al gobierno* [the ex-president criticised the judicial power and the government], work as supporting texts to the headlines by building up on the claim of persecution as it connotes that Cristina Fernández did not have enough power to beat the legal system and that the government joined forces against her.

Leads.

PG6: “Es lo que faltaba para consagrar la persecución” [It is what was missing to consecrate the persecution].

Tras un debate de alto voltaje político, el Senado finalmente autorizó el allanamiento a los domicilios de Cristina Kirchner. Si bien el pedido se votó por unanimidad en el tratamiento en general –67 votos a favor–, el kirchnerismo denunció una campaña de persecución y el hostigamiento contra la expresidenta y propuso incorporar un artículo para que sea resguardada su privacidad y se evite la utilización del procedimiento para montar un show mediático. Cambiemos junto a otros bloques más pequeños rechazaron esa solicitud por 47 votos a 20.

[After a high voltage political debate, the senate finally authorised the raids of Cristina Kirchner’s residences. Even though the request was voted unanimously in the general treatment - 67 votes in favour -, the kirchnerismo (her supporters) denounced a campaign of persecution and the harassment against the ex-president and proposed adding an article to preserve her privacy and prevent the use of this proceeding to put up a media show. Cambiemos along with smaller blocks rejected this petition with 47 to 20 votes].

Additionally, PG6 highlighted her complaint as shared by other members of the Senate:

Si bien el pedido se votó por unanimidad en el tratamiento en general, el kirchnerismo denunció una campaña de persecución y el hostigamiento contra la expresidenta y propuso incorporar un artículo para que sea resguardada su privacidad. Cambiemos junto a otros bloques más pequeños rechazaron esa solicitud. [even though the request was voted unanimously, the kirchnerismo (her supporters) **denounced** a persecution campaign and the harassment against the ex-president and proposed to incorporate an article to guard the privacy of the process. Cambiemos along with smaller blocks rejected this petition]. Here, the term *denunció*, [denounced], can be analysed in terms

of transitivity or narrative. From a transitive perspective, Cristina Fernández was placed as the one who the action was done to, giving more power, though negatively, to *Cambiemos* party (Richardson, 2007, p. 55). The narrative, however, gave Cristina Fernández more credibility and raised her moral power, as the article did not show a lack of compliance with the decision but with the conditions to carry it out (Conboy, 2007, p. 175).

The reporting at this point has lost focus on Oscar Centeno and emphasised the process against Cristina Fernández. Here, from *Clarín*'s perspective, the senate can be seen as the *helper*, as it allowed the case against her, whereas *Página 12*'s reporting makes it seem as the *henchman*. In addition, this reporting seemed to build up to the main point of Cristina Fernández's culpability and the presence of evaluative language shows how both newspapers steer the story in different directions.

Findings in Phase 4. Clarín

Headlines and subheadlines.

(12/10/2018) **CL12: El Fiscal Moldes solicitó a la Cámara Federal la "inmediata detención" de Cristina.** *Respaldó así los pedidos de los fiscales Stornelli y Rívolo. También pidió agravar la situación procesal de los empresarios Carlos Wagner y Gerardo Ferreyra, del financista Ernesto Clarensy y del ex secretario de Obras Públicas K José López.*

[Attorney General Moldes requested the Federal Chamber the "immediate detention" of Cristina. *He supported District Attorneys Stornelli and Rívolo's requests. He also asked for tougher measures for the legal process of businessmen Carlos Wagner and Gerardo Ferreyra, financier Ernesto Clarensy and ex secretary of Public Affairs K José López]*

CL13: Cristina: "Frenamos el tarifazo y responden pidiendo mi detención". *La expresidenta criticó el pedido del fiscal Moldes de ratificar su procesamiento.*

[Cristina: "We stopped the tarifazo and they respond by asking for my detention. *The ex-president criticised Attorney General Moldes's request to ratify her judicial process.]*

(10/11/2018) **CL14: EL JUEZ CASANELLO DEJÓ A CRISTINA FUERA DE LA CAUSA DE LA RUTA DEL DINERO K.** *En una decisión sorpresiva, el juez criticado por la lentitud de su investigación, dictó la falta de mérito de la expresidenta. Ruta del dinero K: Casanello dictó la falta de mérito de Cristina Kirchner. El juez ordenó varias medidas antes del polémico fallo sobre la expresidenta. Lo apelarán la fiscalía y la querrela. Dos semanas atrás empezó el juicio contra Báez, sus hijos y otros 20 imputados.*

[JUDGE CASANELLO LEFT CRISTINA OUT OF THE CASE ON THE ROUT OF K MONEY. *In a surprising decision, the criticised judge, due to the slowness of his investigation, dictated absence of proof for the ex-president. Route of K money: Casanello dictated absence of proof to Cristina Kirchner. The judge ordered various measures before the polemic decision on the ex-president. The attorney general and plaintiff will appeal it. The trial against Báez, his sons and the other 20 accused started two weeks ago.]*

The next stage, Phase 4, in the Argentinean reporting moves on to the attorney general's formal request to imprison Cristina Fernández and her response. In this reporting, there was a clear balance of both of the parties involved in the issue. It is argued that *Clarín* showed melodrama in its reporting and makes use of quotes for Cristina Fernández but not the court. By comparison, *Página 12* invalidated the attorney general's request by claiming it was part of an attempt to imprison Cristina Fernández.

In terms of language, *Clarín*'s headlines showed the use of reported speech for both Cristina Fernández and her counterpart, however, CL12 referred to the attorney general using his position but to Cristina Fernández only by her first name. In addition, it used quotes only for the term that the attorney general used for the request. Cappelen & Leppore (1997, p. 437) would see this not only as attributing the quote to the attorney general but giving relevance to the fact that *inmediata detención* [immediate detention] are the exact words he used. The use of the position to address Moldes but not Cristina Fernández may also be a referential strategy that gives more power and validity to his request (Richardson, 2007, p. 49).

As a contrast, headline CL13 addressed Cristina Fernández's response to the attorney general's request. In this case a full quote was used in the headline where Cristina Fernández is referred to as *Cristina*. Cappelen and Lepore (1997, p. 439) see the use of direct quotation as the most representative part of all the text reported. This can be seen

as the writer's creation of melodrama between the Moldés and Cristina Fernández, by portraying two opposing sides (Conboy, 2007, p. 144).

The melodrama was built up with *Clarín's* use of a Cristina Fernández's quote in CL13. Here, *tarifazo* referred to the government's raising of prices in basic services, such as electricity, petrol or water, which in her quote was positioned as the reason for the attorney general's request. This associates Cristina Fernández with social advocacy, which is something that throughout the reporting, *Clarín* had not previously shown.

The last *Clarín* headline in this analysis ended on the reporting of the court's decision to leave Cristina Fernández out of a case. Here it is important to note that this case is not the notebook scandal as by the time of submission of this thesis, it was still ongoing. This reporting referred to another case where Cristina Fernández was treated as the main actor and was published while the notebooks' scandal was still being substantially reported on, which also fits with the objective of this analysis.

The front-page headline in CL14 addressed the judge by his position but not Cristina Fernández. The sub headline says: *En una decisión sorpresiva, el juez criticado por la lentitud de su investigación, dictó la falta de mérito de la expresidenta* [In a surprising decision, the criticised judge, due to the slowness of his investigation, declared absence of proof for the ex-president]. In this text, the terms *surprising* and *criticised* become keywords that serve as referential strategies to strongly decrease the validity of the decision and the judge's credibility. In the sub headline, the term *polémica* [controversy] connotes that the judgement was not expected and suggests the need for its review.

Leads.

CL12: El Fiscal Moldes solicitó a la Cámara Federal la “inmediata detención” de Cristina [Attorney General Moldes requested of the Federal Chamber the “immediate detention” of Cristina]

Después de que Carlos Stornelli y Carlos Rívolo apelaran el fallo del juez Claudio Bonadio en la causa conocida como los cuadernos de las coimas, el fiscal ante la Cámara de Apelaciones, Germán Moldes, respaldó ese reclamo y pidió que se ratifique la acusación contra Cristina Kirchner como jefa de la asociación ilícita.

[After Carlos Stornelli and Carlos Rivolo appealed the decision of Judge Claudio Bonadio in the case known as the bribery notebooks, the attorney general at the Chamber of Appeals, German Moldes, supported that argument and asked for the ratification of the accusation against Cristina Kirchner as head of illicit association].

CL13: Cristina: “Frenamos el tarifazo y responden pidiendo mi detención” [Cristina: “We stopped the tarifazo and they respond by asking for my detention].

La expresidenta y actual senador por Unidad Ciudadana Cristina Fernández de Kirchner criticó ayer el pedido de desafuero y detención que ratificó el fiscal Germán Moldés: “Después de que frenamos el tarifazo de las 24 cuotas del gas por la devaluación, responden pidiendo mi detención. Muy obvios. Se nota demasiado”. Tuiteó CFK.

The ex-president and current senator for Unidad Ciudadana Cristina Fernández de Kirchner criticised yesterday the request to suspend her immunity and arrest her that was ratified by the Attorney General Germán Moldes: “After we stopped the tarifazo of the 24 payments for the gas due to devaluation, they answer by asking for my arrest. Too obvious. It is too noticeable”, tweeted CFK.

CL14: Ruta del dinero K: Casanello dictó la falta de mérito de Cristina Kirchner [Ruta del dinero K: Casanello dictó la falta de mérito de Cristina Kirchner].

El juez federal Sebastián Casanello dictó ayer la falta de mérito de Cristina Kirchner en la causa de la ruta del dinero K y ordenó una serie de medidas de pruebas antes de tomar una decisión final sobre la expresidenta, entre ellas, delucidar quién es el verdadero dueño de la empresa fantasma Aldyne registrada en las Islas Seychelles. La Cámara Federal ya lo había amonestado por no indagarla como sospechosa

The federal judge Sebastián Casanello declared yesterday lack of evidence for Cristina Kirchner in the case of the route of money K and ordered a series of measures before taking a final decision on the ex-president, amongst them, find out who is the real owner of the ghost company Aldyne registered in the Seychelles Islands. In the past, the Federal Chamber has fined him for not investigating Cristina.

The leads were coherent with the headlines and gave more detail on the actors involved in the reporting. The lead in CL12 collocated Cristina Fernández to *head of illicit association*, which can be seen as language that decreases the validity of her defence while supporting the attorney general’s request. In CL13, the lead uses a longer quote

that contains what is in the headline and uses Cristina Fernández's full name and position, *Cristina Fernández de Kirchner ex-president and current Senator for Unidad Ciudadana*. This supports the suggestion that these two stories serve to balance each other as each one of them focuses on one of the parties involved. However, similarly to past reporting, here the use of full quotes for Cristina Fernández but not for the attorney general can be considered an indication of which side the writer is on. Specifically, by quoting Cristina Fernández, the writer may be trying to separate themselves from her claims, whereas the absence of quotes for the attorney general's comments could mean that the writer shares them. Finally, the lead in CL14 gave more detail not only on the judge's decision but also providing background of past transgressions, which can be a sign of delegitimising or questioning his decision, ultimately giving a negative meaning to this outcome and Cristina Fernández's image.

Findings in Phase 4. Página 12

Headlines and subheadlines.

(12/10/2018) **PG9: Un nuevo pedido contra CFK.** *El fiscal Moldes reclamó su detención por la causa de los cuadernos. La expresidenta responsabilizó al Gobierno por este nuevo pedido de procesamiento y detención. Aseguró que se debió a que en el Senado lograron frenar el pago retroactivo del gas que impulsaba la Casa Rosada.*

[A new request against CFK. *Attorney General Moldes demanded her detention for the notebooks case. The ex-president made the Government responsible for this new request for processing and detention. She assured that it happened because they could stop the retroactive tax that the Presidential House supported.*]

(10/11/2018) **PG10: Sin pruebas contra CFK.** *El juez Casanello dictó la falta de mérito.*

[No evidence against CFK. *Judge Casanello dictated absence of proof]*

By comparison, *Página 12* reported the events between the attorney general and Cristina Fernández in only one story. Headline PG9 did not mention who was doing the action but emphasised that it is another new process against her, which gave the sense

of normalisation of this kind of action, decreasing their relevance. The sub headline did acknowledge the attorney general's request but used terms that could convey political motivations rather than legal processes, such as *la expresidenta responsabilizó al gobierno* [the ex-president made the government responsible]. This phrase put Cristina Fernández as the subject of a strong action, which conveyed uncertainty on the independency of the process as the legal system and the government are supposed to not affect each other, strengthening the claim that the case is founded in political persecution. Furthermore, the phrase *aseguró que se debió a que en el Senado lograron frenar el pago retroactivo del gas que impulsaba la Casa Rosada* [She assured that it happened because they could stop the retroactive tax that the Presidential House supported] suggested that the trouble she was in was due to her interest in working for the people, portraying her as a political target rather than a criminal figure. This aligns with past reporting that shows Cristina Fernández as denouncing political persecution. Here, in *Página 12*, this information was conveyed and attributed more clearly to Cristina Fernández than in *Clarín*, which only used quotes. By contrast, the attorney general's actions are told with the term *busca encarcelar* [looks to put in jail], which connotes personal judgements rather than proof based legal proceedings.

Página 12's headline in PG10 made quite a different claim from *Clarín*, taking the judge's decision as the base. Cristina Fernández is called CFK and the judge is addressed by his position. Differently from *Clarín*, it did not use any terms that could question the decision and did not give any background on the judge. Even though this text was short, it emphasised the judge's position, which legitimised the decision as it is presented without needing debate or qualification.

Leads.

PG9: Un nuevo pedido contra CFK [[A new request against CFK].

El fiscal ante la Cámara Federal Germán Moldes se sumó a la carga de un sector de la justicia que busca encarcelar a Cristina Fernández de Kirchner. Moldes pidió confirmar el procesamiento y la orden de detención contra la expresidenta y actual senadora en la causa por las fotocopias de los supuestos cuadernos del chofer Oscar Centeno. CFK no dudó en responsabilizar al Gobierno nacional por esta nueva embestida ante su tarea política y parlamentaria: “Después de que frenamos el tarifazo de las 24 cuotas del gas por la devaluación, responden pidiendo mi detención. Muy obvios. Se nota demasiado”, manifestó desde su cuenta oficial de Twitter.

The Attorney General at the Federal Chamber Germán Moldes joined a sector of the justice that looks to arrest Cristina Fernández de Kirchner. Moldes asked to confirm the processing and the arrest order against the ex-president and current senator in the case of the photocopies of the alleged notebooks of the driver Oscar Centeno. CFK did not doubt in holding responsible the national government of this new hit against her political and parliamentary duty. “After we stopped the tarifazo of the 24 payments for the gas due to devaluation, they answer by asking for my arrest. Too obvious. It is too noticeable”, she manifested from her official Twitter account.

PG10: Sin pruebas contra CFK [[No evidence against CFK].

El juez federal Sebastián Casanello consideró que no hay evidencias para procesar a Cristina Fernández de Kirchner en el expediente sobre lavado de dinero que tiene como principal imputado a Lázaro Báez.

[The federal judge Sebastián Casanello considered that there is no evidence to process Cristina Fernández de Kirchner in the case of money laundering that has Lázaro Báez as main suspect].

The lead in PG9 was consistent with the headlines as it showed language such as *a sector of the justice that looks to arrest Cristina Fernández de Kirchner* or *CFK did not doubt in holding responsible the national government of this new hit against her political and parliamentary duty*, that supported the argument that all these legal actions were aimed to affect her negatively rather than genuinely solving the corruption scandal. In this sense, it is clear that *Página 12* showed bias in favour of Cristina Fernández as it disqualified the legal system’s actions against her, which showed explicit rather than hidden meanings that exposed this newspaper’s ideological inclination (Taiwo, 2007). PG10’s lead used reported speech in the comments on the lack of evidence against Cristina Fernández. This conveys the weight and validity of the decision in her favour.

Overall Narrative used by *Clarín* and *Página 12*.

The study of the narrative in the reporting of the notebooks' scandal also revealed some interesting features. Since the beginning, Cristina Fernández's appearance in *Clarín* was preceded by stories of people who accused her and information that supported her alleged culpability. In this sense, it seemed that overall, in *Clarín's* reporting she would fit the role of the villain, whereas the roles of hero and helper would be attributed to other actors that stood out at different stages of the reporting. For instance, in the beginning, Carlos Centeno could be seen as the helper given that his notebooks were considered proof to start the legal process against Cristina Fernández. Later in the reporting, the senate could also be seen as the helper while the court could fit the role of the hero as their actions signify, under *Clarín's* view, holding Cristina Fernández accountable for her past corrupt acts.

In terms of storytelling, when looking at headlines, CL4, CL6 and CL7 showed language that collocated Cristina Fernández with alleged crimes, suggesting the angle taken by the newspaper on the case and building her up as a suspect. For instance, *Cristina estaba en la quinta de olivos cuando llevaban los bolsos con dólares* [Cristina was at the 5th on Olivos when they brought the bags with dollars] (CL4), *por los cuadernos indagan a Cristina como jefa de una asociación ilícita* [For the notebooks, they investigate Cristina as head of illicit association] (CL6), and *todas las pruebas que complican a Cristina* [all the proof that puts Cristina in a difficult situation] (CL7).

Even though the lead showed that the one of the headlines were cited from a suspect's declaration (CL4), the absence of quotes suggests the newspaper's closeness to the claim, which gives it more validity. In other words, the nominalisation of these claims suggests that *Clarín* was giving a sense of facticity to all these claims by not acknowledging a source. Similarly, the sub-headlines supported the idea of Cristina

Fernández's culpability with the phrases *exclusivas revelaciones* [exclusive revelations] (CL4) and *hay evidencias de que la expresidenta era parte central de la maniobra de recaudación de dinero ilegal* [there is proof in the file that the ex-president was a central part of the manoeuvre of the collection of illegal money] (CL7). In fact, the modality tool allows the analysis to see the claims made in this text, which suggests the newspaper's validation of the alleged proof and the role of Cristina Fernández in the scandal. Additionally, evaluative language is also present as *Clarín* used the terms *complicar*, which translates to *complicate* or *compromise* or *put in a difficult situation*, bringing up signs of the writer's stance in the case and implying Cristina Fernández's culpability.

During Phase 3 and Phase 4, *Clarín's* reporting kept its storytelling emphasising Cristina Fernández's culpability even when the court's decision showed her as not guilty. In Phase 3, this newspaper portrays her as defeated in the Senate's decision to raid her houses and highlights her disagreement with the decision, which built up her hostile image against legal processes. This tendency remained through Phase 4, where *Clarín* reported on the judge's decision to leave Cristina Fernández out of a case on the basis that there was not enough proof that it involved her. Here, *Clarín's* story on her culpability was still active as it questioned the judge's decision and its legitimacy by highlighting apparent past instances where the judge was questioned on their work.

By comparison, *Página 12* showed an opposite narrative to *Clarín's* in terms of character roles and storytelling. This newspaper seemed to show Cristina Fernández as *the victim* by highlighting her claims against the process and focusing on her defence. Consequently, in this reporting Oscar Centeno and the senate could be seen as the *henchman*, where the former involved Cristina Fernández in the case and the latter

allowed raids on her house in an attempt to gain more proof to validate the accusations against her. Ultimately, in this reporting the court would fit the role of the villain.

The reporting in *Página 12* maintained an argument that saw the whole case as an attempt by Cristina Fernández's opposition to persecute her. This was reflected in all phases of the reporting as it started by questioning the validity and legitimacy of the alleged notebooks, and followed with the use of explicit language that supported her claims and actions where she denounced her persecution, such as her appearance at the court and her comments on the senate's decision to raid her houses. This was consistent done as, when *Página 12* reported on the judge's decision in her favour, this newspaper did not show any information that could prompt mistrust or questioning of the judge's decision.

In summary, both newspapers used a storytelling technique that could prompt readers to take sides on Cristina Fernández's culpability before a court's decision. Taking into account the concept that journalists' have a responsibility to the public interest as well as their commitment to the truth in the coverage of the news, this could be potentially problematic. This is because as the public debate on this case would be based on tailored information that does not give a clear scope of the complexity of the scandal, nor the necessary background of the actors involved.

As mentioned before, considering Bell's comparisons of news stories to personal narratives (Bell, 1991), the narrative in *Clarín* constructs the alleged bribes involving Cristina Fernández as the complicating action, even though there were more people involved in the scandal. *Página 12*, on the other hand, mainly focuses on Cristina Fernández's accuser in the beginning but it changes to her when legal processes against her began. This showed a change of narrative that went from reporting information that

delegitimised the person who started the scandal to the defence of Cristina Fernández as the alleged suspect.

At this point of the analysis *Página 12* and *Clarín* use different main points to tell the story of the scandal. *Clarín* uses collocations to connect Cristina Fernández to criminal allegations (e.g. *Cristina as head of illicit association, the tale of the notebooks and all the proof that complicate Cristina's situation*), which was not a feature in *Página 12's* reporting. Additionally, *Clarín* referred to Cristina Fernández as the object of the texts using adjectives and verbs such as *responsable* [responsible], *compromete* [compromise], *complica* [complicates], which strengthens the argument that she is guilty. *Página 12*, however, used quotes to report most of Cristina Fernández's defence claims, the use of which suggested the empowering and validation of her claims, as well as sympathy towards her.

Summary of Findings of Discourse Analysis and what they would mean in terms of the application of the Communication Law – Notebooks' scandal reporting

By the end of the analysis of the Argentinean case study, it was necessary to see the findings and how they fit against the Ecuadorian Communication Law. This would help draw conclusions on whether the presence of media regulation may or may not play a role in the regulated news texts, specifically in highly sensitive political reporting.

Ahead of detailing the findings in terms of the Ecuadorian Communication Law, the following table provides an overview of the results of the discourse analysis.

Table 6

General schema of findings on the reporting of the notebooks scandal

<i>Clarín</i>	<i>Página 12</i>
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Use of Cristina Fernández as the object and highlighting of actions being done to her	Use of Cristina Fernández as the subject and highlighting of actions she does as her defence.
Use of evaluative language against Cristina Fernández	Use of evaluative language in favour of Cristina Fernández
Use of reported speech in the reporting of suspects making allegations against Cristina Fernández.	Use of reported speech reporting Cristina Fernández's defence actions.
Narrative tells the story of a case that reveals Cristina Fernández's corruption.	Narrative tells the story of a government attempt to incriminate Cristina Fernández on a corruption case.

It can be argued that throughout their reporting, *Página 12* used language that in its alignment with Cristina Fernández, is partisan in her favour. A clear example is headlines *CFK denounced persecution, a new request against CFK* and *without proof against CFK*. If this reporting was to be assessed against the Ecuadorian Communication Law, it would not be difficult to find instances where there was very little balance of the news, as well as the lack of fairness in acknowledging Cristina Fernández's opponents.

The case would be similar for *Clarín's* reporting as this newspaper had also shown loaded language that conveyed strong meanings regarding Cristina Fernández's participation in the alleged corruption acts, such as *all the proof that puts Cristina in a difficult situation* or *Moldés requested the Federal Chamber the "immediate detention" of Cristina*. Headlines of this nature under the Ecuadorian Communication Law, would

perhaps be categorised as trying to discredit Cristina Fernández's dignity or providing information without context or balance.

Certainly, the reporting of the notebooks case and the portrayal of Cristina Fernández in it suggests journalistic work that portrays or interprets the events differently. These different interpretations are reflected by the use of loaded language against or in favour of Cristina Fernández and an overall reporting with news texts that are read as shared by the writer rather than just transmitted by them. By comparison, even though the reporting of the Odebrecht case in Ecuador have some similarities, it is evident that its language is harder to assess in terms of potential unbalance or bias towards a certain side. Specifically, even though a framing against Jorge Glas can be observed, the language used in *El Universo* and *El Telégrafo* features more use of reported speech and leaves out claims for about sentences or other factual events

The Argentinean case study provided textual data that revealed the use of strong language in the transmission of information on a legal case, which needs to be taken into account as a factor that has the capability to shape the public opinion more easily. Consequently, the spread of such strong language used in reporting legal cases could represent serious issues in terms of the impressions that the public might have on the people involved in such high-profile cases. However, it is also important to consider that while the views in *Clarín* and *Página 12* show strong signs of partisanship, each presents one side of the news and together both of them tease out the possibility of plurality of views in the reporting. This was not explicitly observed in the Ecuadorian case study. In this sense, it is fair to theorise that the Ecuadorian Communication Law might be the variable that caused the texts in the Ecuadorian reporting to have less strong language. On the one hand, the presence of media regulation could possibly signify the prevention of news texts whose language could prompt an inaccurate or

unfair public perception on judicial processes or people's reputations. On the other hand, the presence of strong language in the Argentinean texts could possibly reflect a more unrestricted coverage and higher independence in the journalists when writing their news. These two reporting trends raise questions on what serves the public interest more adequately, diverse partisan news or less involved and more witness-like journalism.

Nonetheless, the reporting of the two different scandals and the portrayal of Jorge Glas and Cristina Fernández is the result of journalistic work shaped, in part, by its own culture and media context. In both the Ecuadorian and Argentinean cases, it is fair to assume that the journalists acted as professionally as they could, while also considering other factors, besides media regulation, that could influence their news-making process, such as newsroom agreements on how to approach the coverage, or the implicit influence that media structures can have in the interpretation of the case (Atkins, 1996; Chavero, 2015; Oller et al., 2017; Saldaña & Mourão, 2018; Wyatt, 2014). Given that the focus of this study is to examine the role of media regulation in the reporting of political scandals, these factors will be further explored by focusing the research on the Ecuadorian case study. Specifically, the execution of in-depth interviews to journalists from *El Universo* and *El Telégrafo* and academic experts will provide insights, from multiple perspectives, on how the Ecuadorian Communication Law, media structures, and the journalists' culture shaped their approach to the reporting of the Odebrecht scandal in a regulated environment.

Differences in the naming for Cristina Fernández and Jorge Glas

In the analysis of this reporting, something worth exploring is the way the newspapers referred to Jorge Glas and Cristina Fernández as the main actors in the case studies. In the case of Jorge Glas, he is referred to, by both newspapers, mostly as Glas, with some

mentions of him as vice president. Cristina Fernández is also addressed as Cristina in both newspapers, with *Página 12* also using the acronym CFK.

In political communication, it is argued that generally the names with which the news media refer to political leaders are the result of what they called themselves during their campaigns (Campus, 2013). However, it is also recognised that often female leaders are often referred to by their first names, while male leaders are usually addressed by the last names. This is considered a way of undermining women as it is claimed to “trivialise their authority” by portraying them in a more friendly way, as opposed to male leaders, whose use of last names gives them more gravitas and more seriousness to their coverage (Ross, 2017, p. 80).

In this analysis both features are seen. Jorge Glas is generally called Glas, whereas Cristina Fernández as Cristina. However, in this trend, *Página 12*'s use of her acronym CFK stands out, especially in the reporting of her defending herself from the accusations against her. This is a significant finding as it supports the alignment and partisanship that *Página 12* has towards Cristina Fernández, as the use of acronyms responds to the attempt to stand out amongst competitors or adversaries (Opeibi, 2019). This shows contrast with *Clarín*, which also shows partisanship against her as it generally addresses her as Cristina, while referring to the attorney general or judge, both men, by their last names, such as Moldés or Bonadio.

The newspapers' ways to referring to both leaders give further indications on how their content was shaped by possible gender perceptions in their journalists. Latin America is a region where sexist practices across different spaces are still current, such as unequal pay, or the normalisation of sexual harassment (Telesur, 2016). In this sense, perhaps the namings used for Cristina Fernández and Jorge Glas could also be a result of involuntary acceptance of the gender roles in Ecuador and Argentina. Nonetheless, it

is clear that this aspect is overshadowed as regardless of their gender, both actors stand out in the reporting due to the corruption scandals and their alleged connection to them.

Concluding thoughts

Chapter V provides a thorough and detailed analysis of the language features used by four newspapers in their reporting of two political scandals in two different countries. Specifically, this chapter contains the discourse analysis of the Oderbrecht scandal in *El Universo* and *El Telégrafo* newspapers in Ecuador, and the notebooks scandal in *Clarín* and *Página 12* newspapers in Argentina. As a result, this comparative approach assisted in the theorisation of the extent to which the patterns found in the Ecuadorian case study responded to the presence of regulation.

This chapter marks the end of the comparative approach of this study as the next chapter takes the findings of the discourse analysis in Ecuador and, through in-depth interviews, explores further what role the Communication Law played in the reporting and what other factors contributed to the shaping of the news. The reason to focus on the Ecuadorian case study was based on this study's main objective to see how the media regulation fits in the reporting of political news.

Chapter VI: Interviews

This chapter examines the semi structured interviews carried out as the third cycle of this research. As this study aims to understand the role of media regulation in the reporting of sensitive political news, it focuses on the Ecuadorian Communication Law and the reporting of the Odebrecht scandal. The interviews consider journalists who worked at *El Universo* and *El Telégrafo* newspapers in senior/managerial levels and asks them about the scandals and their professional perceptions of the news texts analysed. As well it considers their perception of their media context and their experiences reporting the Odebrecht scandal under a regulated environment. These topics are also explored through interviews with media experts in order to gather data from multiple perspectives, ensuring sufficient diversity of points of view. In this chapter, it is important to acknowledge the literature regarding Ecuadorian journalists' perceptions of their freedom in their work and their roles. First, previous research has found that journalists see the Communication Law as an obstacle in their work as it limits them in their reporting (Oller et al., 2016). Second, they see themselves mainly as reporters of reality, followed by analysing current issues and scrutinising politicians (Oller et al., 2017). Furthermore, Ecuadorian journalists regard themselves as following ethical codes in their work, even though they do recognize that they assess their ethical standards against the situation they are reporting. This means that their perception of following these codes is likely to be affected by the context in which the news takes place. With this in mind, it is worth noting that the information gathered in these interviews reflects the participants' interpretations and approach to the reporting of the Odebrecht scandal. This means that their approach to this reporting cannot be assumed to be the same in the reporting of other news. However, the fact that the interviewees

were in leadership roles suggest that their answers do tease out their newsrooms' cultures and collective approaches to the reporting of highly sensitive political news.

Amongst the most significant findings, the previous analysis chapters, cycles one and two, showed patterns in the newspapers' treatment of Jorge Glas where the reporting assumed his culpability and overshadowed his defence. As well, it was observed that some key information that would have contributed to Jorge Glas's case was not reported. However, the language features of the reporting seem to fit, overall, choices that maintain a level of accuracy and balance that could be deemed fair or unfair depending on the researcher's approach. The analysis suggested that the application of the Communication Law to these texts would be rather challenging given the ambiguity with which its articles could be applied. Specifically, the assessment on whether a news text fits the criteria of fairness, balance, contrast, or remains neutral in the reporting of a legal process, is likely to be a product not only of the law but the assessors' perception of the event being reported as well as who reports them. Hence, these findings could not provide the type of in-depth data that explains the rationale in the selection of language for these texts, nor the context in which they were created. That is the reason why the execution of interviews of Ecuadorian journalists and media experts was necessary as it would allow the researcher to understand the reasons behind the Ecuadorian reporting that worked under the requirements of the Communication Law. The data gathered from this cycle would contribute to answering the following research questions:

- Does Ecuadorian news reporting fit with the articles of the current Communication Law?

- What does the data analysis suggest regarding the effectivity of media regulation in Ecuadorian newspapers?

- What other factors does the analysis suggest affected the way news articles on the Odebrecht scandal were written in the Ecuadorian regulated newspapers?

Specifically, the interviewees' comments on the processes used in the creation of the news texts on the Odebrecht scandal as well as their appreciation of their media context and issues in the journalistic field would help aid the understanding of the language features found in the discourse analysis. As well, they would also help aid the understanding of the role that the Communication Law played directly or indirectly during the reporting of the case.

The following chapter is based on discussions that were conducted with journalists who worked at the two Ecuadorian newspapers analysed and who closely followed the development and the reporting of the Odebrecht scandal. Additionally, people who did not work for these newspapers but were involved in journalism and communication research in the Ecuadorian context were also interviewed in order to get an external view of the issues raised in this study. This came to a total of eight in-depth interviews.

The information gathered in the interviews fell into a number of themes that reflect several issues surrounding the reporting of the Odebrecht scandal and the presence of state media regulation for journalistic practices. These themes reflect the interviewees' different interpretations and perceptions of reality regarding the Odebrecht scandal, which this study intends to examine in order to answer the research questions. The following are the themes encountered during the interviews:

- Concerns regarding the newspapers' political role in Ecuador.
- Concerns regarding the Communication Law being used as an oppression tool.

- Issues regarding the need and effectivity of media regulation in Ecuador.
- Concerns regarding the professional context of journalists in Ecuador.

These themes cover the role of the Communication Law in the reporting, unique processes that were followed in the news-making process of this coverage and the challenges that the journalists face in their daily work.

In addition, the interviews also explored the rationale behind some of the practices that the discourse analysis uncovered, including the use of terms to address Jorge Glas and the underreporting of Jose Conceicao Santos as a suspect.

Concerns regarding the newspapers' political role in Ecuador

One of the main issues raised by the participants was the influence of the mainstream media in national politics, which has to do with the news media's political intentions in terms of support or opposition to certain politicians or political parties through their reporting (Chavero, 2015; Kuypers & Schweikart, 2015). In the Ecuadorian context, journalist C (2020) points out that the older newspapers in the country, including *El Universo* and *El Telégrafo*, were founded by opinion leaders with well-marked political ideologies. "All the newspapers created in the 19th century and in the beginning of the 20th century had a clear liberal tendency". They refer to *El Universo* as a newspaper whose founders had strong liberal ideas and affirms that "since then, the majority of newspapers always had an ideological stance of a kind of liberalism that in some ways supported the economic elites in the country and that represented, in a determined moment, each government".

In terms of the coverage of the Odebrecht scandal and Jorge Glas, journalist C believes that the reporting was politically tainted:

To me, the case of Jorge Glas was clearly political at the time when print media had already started to re-align after everything that had happened in the previous government, with the obstacles that the Communication Law had put in some respects. With a tolerant attitude given by Moreno's government, the news media did not see Jorge Glas only as part of a corruption pyramid in the previous government, but there was also an attempt to see how they could hurt the previous government, and be able to keep hurting it.

These comments suggest a certain political strategy, where Lenín Moreno's tolerance was taken by the journalists not only as being less strict but also having less accountability in what was published. Journalists D and E from *El Telégrafo* also brought up the Ecuadorian media's political actions and linked them closely to the media owners' interests. Journalist D said:

This started with Correa's government but became more settled in Moreno's one, that the news media, and I speak of them as information companies, each time have a more preponderant political role. In some ways, the big news media outlets, and I speak of them as companies, quit journalism to apply this political role.

Journalist E claimed that journalism in Ecuador is carried out according to certain power interests. "I would say that there is an effort from several journalists to publish certain topics, but most of the things in media answer to the agenda of the owners and their interests". They gave an anecdote to exemplify what they argued to be the government's use of the media to serve its interests and push its agenda.

I remember that they were going to raid Jorge Glas's uncle's house, and the Ministry of Interior called for a press conference, so the press conference was the raid.

Planned political actions where the media were called to see an action that became extremely political and not judicial.

This suggests collaborative work between the judicial power and the news media to turn a legal procedure into a media event.

The news media's influence in politics was also mentioned by external source 1, who described the issue as a fundamental problem. This source sees the media as private companies that sell information as a product. In this regard, they claimed that the margins in the news media are low, so they are compensated with the political power that can be gained by owning them "having a media outlet with the capacity to reach and affect populations, obviously is having a very important power source to put pressure on the state, on a government, or on populations themselves". When asked about the role of the news media in the coverage of Jorge Glas, external source 1 mentioned the term *lawfare* and described it as a process of two stages where the media power and the judicial power work co-operatively. In this regard, this source argued that the media and the legal system do not have counterparts to hold them accountable, which "allows the media power to create the conditions so that the judicial system can operate even out of the law". As an example, this source argued that the court's sentence for Jorge Glas was based on outdated legislation, which was not questioned by those who were judging him nor the audience. In explaining this, they believed that the reason for this was the news media's actions to validate and legitimise the court's decisions.

For the justice to be able to act out of the law it is necessary to create the subjective conditions for the Ecuadorian society to want justice. It needs to satisfy its feeling, the feeling of justice. And the feeling of justice is not in the compliance with the

law, it is in the condemnation of a person who was defenestrated for two years as alleged corrupt by the news media (External Source 1, 2020).

These declarations fit with what Levy & Nielsen (2010) argue around the profitability of the news media. According to them, even though the need for news has always been present, there is an increasing trend of people not wanting to pay for it. Additionally, Cushion (2007) argues that as media outlets pass onto private owners, the journalists' salaries tend to get lower and the work likely shifts into a casual and freelancing basis. However, this does not reflect the constant media growth and the increased range of information sources that audiences can access, which suggests that larger revenue and financing for media companies' expansion is a consequence of how valuable the media are for certain sectors (McChesney, 2015).

These comments reflect the interviewees' subjectivity and their own perception of the topic in discussion. A media system where the news media are owned by groups with economic or political power suggests a consequential interest in not having constraints that may limit their abilities in case they need to defend their interests. The comments claiming that the news media started to be more politically active by the time Rafael Correa took office suggests that his government must have taken actions that somehow threatened the established private media system at the time (Carrillo, 2019). After being in power for ten years and with Lenín Moreno showing his support to the media after Correa's constant criticism, it is fair to think that the newspapers would show some ideological signs against those who were hostile to them in the past. This reflects that, as long as the Ecuadorian media structures do not change, media regulation attempts may face obstacles in their application, especially if they challenge established political and economic systems benefiting those in charge of the media.

Nonetheless, the interviewees' declarations on the news media's political role seem to have a perspective that acknowledges them as an institution and are somewhat broad in their claims. Here, it is important to recognise that news reporting is carried out by journalists whose approach to the news is affected by a variety of contextual features besides media ownership. In this sense, even though hierarchical features have some incidence in news reporting, other factors also play a role in the way the news are shaped, such as newsroom cultures, regulatory contexts, and journalists' own judgements on the events being reported as well as their perceptions of ethics, news values, and autonomy in their work (Chavero, 2015; Oller, Chavero, Ortega, et al., 2014; Oller et al., 2017). Some of these perceptions were noticeable through the journalists' thoughts not only on the Communication Law's effectivity in Ecuador but also how they considered it in the reporting of the Odebrecht scandal, described later in this chapter.

Concerns regarding the Communication Law being used as an oppression tool

The tensions between the government and the news media were acknowledged by journalists from *El Universo*, who believed that as a result of the Communication Law the government was watching their publications closely. In these comments, it was clear that their perceptions saw the Communication Law mainly as a restriction to independent journalistic work, as they considered it to be a government tool to shut down any criticism.

Journalists A and B said that the news media have been severely affected by regulatory policies since Rafael Correa took office, which, they claim, caused fear of oppression that affected the reporting of the Odebrecht scandal. Journalist A believes that *El Universo* was being constantly watched by the government due to their conflictive history, which is explored in Chapters I and II.

Correa sued the newspaper for an opinion article published by Emilio Palacio. He sued the newspaper as a company and the directors and the opinion writer as persons asking for 80 million dollars. We got sentenced and later the president ‘forgave us’. That caused us to, as a newspaper, be a target for Correa’s government and forced us to be more cautious.

This view conflicts with external source 1’s claims that the news media holds power over their communities. In fact, these comments show that regardless of how big a media outlet is, it is still highly vulnerable to political interference and potential censorship. As a result, it could be suggested that the reporting on Jorge Glas was not only affected by ideological positions but also past political tensions between the newspaper and his political party, which according to these comments, did not stay at ownership levels but also spread to the newsroom. Here, these views accord with past research that found journalists perceiving the Communication Law significantly more restrictive than their hierarchical structures at their workplaces (Oller et al., 2016). As well, it reflects that journalists’ perception of autonomy has to do, to a degree, with external pressures. However, it is important to remember that journalists’ perceptions are also affected by their newsrooms (Wyatt, 2014). This could mean that, perhaps, the government’s hostility against *El Universo* could have been taken personally by the staff, which contributed to their sense of vulnerability to a Communication Law applied by the government.

In order to take precautions in what they published, journalists A and B both said that the reporting of Jorge Glas at *El Universo* was closely followed along with lawyers who would advise them in the publication of their articles. Even though they did not agree with this measure, they recognise that it ended up adding some value to the news texts. Journalist A expressed:

In the beginning it bothered me that the lawyer revised the topics, but then I thought that a read-through by a person who knows the terms better, that knows the figures better, it does not affect you, in fact it helps you not to make mistakes that later may translate to a lawsuit, in a request to reply to a published text.

Similarly, journalist B mentioned that the newspaper would approach the lawyers of any person who was part of the reporting and, even though they did not require approval for publication, they found it necessary to inform them about what would be published given the relevance and uniqueness of the case. Even though the interviewees mentioned that this practice was unique to the Odebrecht case, this situation further reflects the sense of restriction that the Communication Law caused in journalists covering this case (Oller, Chavero, Cevallos, et al., 2014). However, it is interesting to see that this feeling of restriction was later taken by the journalists as an opportunity to learn from the input from lawyers on the case to improve its coverage. As well, it seems that their ethical approach to this case involved making sure that the parties involved knew what was going to be published beforehand. Then, it could be suggested that this would also increase journalists' confidence in the truthfulness and lawfulness of their texts, as any observations made by those checking the reporting, would have raised the need for revisions before publication. However, even though the journalists recognised that this practice may have increased the quality and accuracy of the news, the fact that they did it to be safe from potential legal trouble reveals their fear and disagreement with the state regulation. Consequently, this raises questions on how to reconcile the implementation of systems that hold journalists accountable without posing a threat to their autonomy and freedom in their work.

How the journalists' perceived the government's restrictions of their work was more noticeable through the comments made by journalists from the state-owned newspaper

El Telégrafo. Journalists D and E claimed that, as a requirement, every issue had to be sent first to the Secretary of Communication in the government. “The newspaper’s issue is always checked, I am almost certain that it still happens, but in that time, it was checked by the secretary of communication. So, the filters got to be very high up” (Journalist D, 2020). During the coverage of the Odebrecht scandal, journalist D believed that there was cooperation between the attorney general and the government to push for Jorge Glas’s culpability, which gave them the power to choose what information to release on the case. This resulted in the stories being framed against Jorge Glas due to the limited access to information rather than the journalists’ biases.

I think that the coverage was too close to the attorney general’s thesis. Maybe there was not enough balance. Anyway, I apologise because, as things were so polarised, the suspects’ defence did not trust the journalists nor the media. So, showing the counterpart was complicated. But I think that the first mistake was to consider the attorney general’s version as the only one. I think that was a mistake (Journalist D, 2020).

The apologetic comments from journalist D show that in self-reflection, it is possible to see how the reporting ended up affecting Jorge Glas negatively. However, it also shows signs of how much government control *El Telégrafo* was under, which probably decreased the journalists’ willingness to report news from angles that did not follow the pattern or explore this sensitive political news thoroughly. At this point, these signs demonstrate *El Telégrafo*’s role as state media and exemplifies their differentiation from public media as recognised in Chapter I (Mastrini, 2013). *El Telégrafo* is a public-funded newspaper categorised as *medio público* [public media] which, according to the Communication Law, is entitled to its own editorial line. However, the journalists’ declarations clearly show that in practice, the newspaper’s content and editorial line

clearly responds to the government's interests and that its administration involves government officials. The government approach to *El Telégrafo*'s administration raises questions on the extent to which the Communication Law would be applied to this newspaper. Keeping in mind the kind of intervention present during the reporting of the Odebrecht scandal, it is reasonable to think that it would also be present, to a degree, in the examination of news texts' compliance with the law. In this case, even if texts show signs of non-compliance with the law, they would only be judged by the extent to which they do not align with the government's views. The potential government intervention in the judgement of news texts' compliance could be evidence that reflects the political intention of the law (Chavero, 2015; Chavero & Oller, 2014), which strengthens the arguments made by journalists from *El Universo* on it being used depending on how it affects the government.

The declarations that journalists from both newspapers gave on the processes involved in publishing stories on Jorge Glas's show divergence from Article 10 of the Communication Law, which aims to prevent self-censorship in the publication of the news. In *El Universo*'s case, the fact that the stories on Jorge Glas had to be signed off by his lawyers suggests challenges in the journalists' freedom to write and the mistrust in their practice, as well as a fear of future legal trouble. However, considering the claim that the objective was to show Jorge Glas's culpability, this could also be seen as a way to foster balance in the stories in *El Universo* by force and would suggest that if there were, in fact, signs of a push for Jorge Glas's culpability, the lawyers would notice and ask to modify them.

In terms of *El Telégrafo*, the declarations by the interviewees show similar opinions on the state's power to control the information published through different tools. In this case, the tools being the deliberate control of the information on the case and the

requirement for the stories to be revised before publication. These actions could arguably be considered signs of prior censorship, which raises concerns on the Communication Law giving power to the government to oversee its compliance. Specifically, if at any point there is the need to report dishonest government actions, this news is not likely to be judged fairly, compromising useful journalistic work for the public.

Issues regarding the need and effectivity of media regulation in Ecuador

After the interviewees spoke about their experiences working under the Communication Law in the coverage of the Odebrecht scandal, the interviews moved on to discuss their perceptions on the extent to which media regulation in Ecuador was needed and effective. The majority looked at it as something more necessary now than before; however, the minority voices against it were strong and decisive.

The interviewees in favour of regulation classified it as “urgent” (Journalist D, 2020), “useful” (External Source 2, 2020) and “essential” (External Source 1, 2020).

The Communication Law forced the communication companies to be transparent. It forced them to check if they were complying with the determined deontology in informing, educating the public and meeting their ethical commitment with the Ecuadorian society. It also allowed to understand the media and create a big mapping to see how they acted and understood their political stance in the country. So the Communication Law did help in some way to protect the most vulnerable sectors in the country, who were many times excluded in the media (External Source 1, 2020).

Similarly, external source 2 and journalist D highlighted the law's goals in terms of improving the journalistic practices in the country. They said "the idea was that it was going to make communication fairer for everyone" (External Source 2, 2020);

In terms of the journalist's duties, all the deontology part of the Communication Law is a part that every journalist, or a good journalist, should do in their daily routine. I mean it should be part of the nature of his occupation. So, in that sense I did not see any problem with it being part of the law (Journalist D, 2020).

These declarations align with Oller et al.'s (2017) research where they found, as part of the journalistic culture in Latin America, that Ecuadorian journalists prioritised following ethical codes as part of their work.

However, journalists A and B, and external source 3 showed a strong stance against media regulation. External source 3 believed that the fast-paced changes in journalism and communication would make a law ineffective.

I believe in self-regulation. I do not agree with a Communication Law because communication and information are too complex to put them inside a legal box. There are logics and phenomena that are constantly changing, for example now, social media already changed everything.

Journalist A believed that any piece of media legislation created in Ecuador will have political intentions, resulting in journalists' fear and self-censorship: "Citizen participation in this country does not exist. It is taken by political parties". Journalist B claimed that there is no need for exclusive legislation for media. They expressed that even though they do agree with punishment for actions involving libel and slander, a law tailored for the media is not necessary, as general legal frameworks are sufficient to act on that kind of legal issues. This means that the lack of balance in the news, or

media attacks of certain people, are actions that journalists agree should be punished. However, the creation of legislation exclusively for media is taken by journalists as a tool created to keep them from engaging in investigative journalism on any topics that could hurt the government. In this regard, none of these interviewees seemed to validate the law's alleged intention to contribute to fostering quality information and represent society through balanced, accurate and fact-based news, rather than addressing specific issues of libel or slander.

Voices against regulation also suggested that the Communication Law lacked effectiveness by claiming that it was tailored to be used against the government's opponents. Specifically, journalists A and B believed that this law was not likely to work given the intention behind its creation. That is, its use as a tool by the government to challenge the press on any content they used against them, which, in turn, emphasises the perception of a lack of freedom that this law caused in journalists (Oller et al., 2016). To exemplify this argument, journalist A mentioned the case of a politician who owned a radio station and who, despite constantly disobeying the law, was never judged for it as he was a government supporter. This comment is a small demonstration of what was theorised above that any government intervention in the application of the law to different media outlets would confirm concerns on its political intent.

Additionally, both journalists A and B highlighted that the effectiveness of the law was a concern. This was partly due to the fact that the head of the Superintendency of Communication, which is the body in charge of the law, was selected by the legislature from a list given by the executive. "The superintendent comes from a list given by the government" (Journalist A, 2020). In this regard, all participants agreed that to have a superintendent as the final decision maker showed signs of potential oppression,

especially if that person belongs to a political party, which can be seen as a sign that the law was, to an extent, politicised.

The findings of the discourse analysis make it challenging to recognise whether the texts reflect unfair biases as a result of the tensions between Jorge Glas's government and the media. However, given the interviewees' perceptions of the law as restrictive and the significance of having a government official in charge of overseeing its compliance, suggests that the Communication Law may have acted as a factor that prevented the journalists' from using any language that could have put them at risk of being legally compromised. This is reflected in the declarations made by *El Universo*'s journalists who claimed they were assisted by lawyers in making sure that their news texts complied with the law. These actions imply that if the law was not present, there is a possibility that the news texts might have language that probably would not fit the law's requirements, even if it reflected more clearly their interpretations of the case. In this sense, an external regulatory framework could potentially signify a checkpoint where journalists can spot texts that do not meet the standards or requirements and correct it accordingly. However, in this scenario, the higher hierarchy of this legal framework would mean that news reporting would have to, ultimately, fit within it. This could result in the increased risk of having to shape news texts to fit certain criteria, inhibiting the journalists' perception of freedom to write the news they deem appropriate for the public.

Even though the majority of journalists interviewed acknowledged how news texts could potentially not fit within legal requirements, they believed that, in the case of the Communication Law, judgements carried out by a group of members from different professional backgrounds could mitigate the risk of them being unfairly judged.

Specifically, the journalists suggested that the application of the law should come from

a body with diverse voices, including citizens, journalists, academics and politicians. This information aligns with the arguments made by Chavero (2015) and Lunt and Livingstone (2011) on media regulation, where they emphasise that in order to serve the public interest, any regulatory policy needs to be overseen by civil, transparent and independent regulatory bodies detached from the government. Furthermore, the interviewees' suggestions on how the Communication law should be applied give signs of the journalistic self-regulation trend. In this regard, it seems that the inclusion of journalism professionals along with civil society representatives, would increase the acceptance of regulation amongst the journalistic community. In theory, the implementation of an administrative body consisting of diverse profiles could result in the increase of fairness in the application of the law.

All in all, the interviewees' insights in this section, such as the tensions between the government and the media, as well as the state intervention in news reporting, do suggest the need for a system that looks after information through fair, transparent and non-politicised processes, especially in such sensitive cases like the Odebrecht scandal. In this regard, the majority of participants agreed that even though regulation is needed in Ecuador, the Communication Law had major flaws that caused mistrust. One reason behind these claims was the apparent condition where news texts are judged according to how aligned they are to the government's principles. As well, the fact that in its applicability, there was only one person with the power to make final decisions on matters of objectivity, fairness, balance, amongst other things, raised the risk that this legislation would be used for political purposes. This suggests that the government's power in the application of the law could be the main factor in the journalists' perceptions that legislation for the media is only a way to censor them, even if the

stated objective of the law aims to professionalise and improve the quality of information in the country. This can reduce its legitimacy and therefore effectiveness.

Concerns regarding the professional context of journalists in Ecuador.

After the discussion of the state's interference in news reporting and the journalists' fears of their reporting making them targets of the law, the discussion went on to explore other problems that affected daily journalistic work and whether they affected the reporting of the Odebrecht scandal or not. Journalists D and E from *El Telégrafo* said that the newspapers' employee-employer structures do play a role in the journalists' judgements of the news, as in the end, the employees are required to fit their work to their employer's interests.

I would say that journalism is, in a way, the labour force, the journalist that finished university and that is employee of the information media but that in the end also deals with it as their boss. So, as in any other company, the same rules apply. The relationship employee-employer. Sadly, the boss has economic and political interests that, in this exact moment in history, challenge journalism (Journalist D, 2020).

Due to that need to work and keep your job, you end up following their instructions, not looking beyond that (Journalist E, 2020).

The interviewees suggested that this business-like relationship, that is still current in newspapers, jeopardises the quality and relevance of the news published. These comments align with Yesil (2014), who says it is common that media owners also manage other businesses, which can lead their staff to omit inconvenient information to them or their business partners. However, in this study, this issue was clearly reflected in the state-owned newspaper's check of issues before publication, rather than the private one.

The journalists from the private newspaper, *El Universo*, said that they had never faced any instructions from the owners of the newspaper, reflecting their perception of a high level of freedom in their workplaces (Oller et al., 2016). Journalist A said that they had not received any directions from anyone above them and claimed that the team at *El Universo* always tried to be as fair as possible in the reporting. Similarly, journalist B claimed that they have had absolute autonomy to make decisions in terms of publications and said it was impossible for an owner to give directions on every piece of reporting carried out at a newspaper. However, pressure in the newsroom may not be necessarily explicit. In fact, as mentioned in the literature review, the newsrooms are spaces where workers have a co-dependency attitude in order to make the news and achieve their goals. This implies that pressures could affect journalists, who think differently, almost unconsciously, which may result in adopting the same stance as others on topics trending in their space (Sanders, 2003). This raises questions about the extent to which *El Universo*'s journalists were aware of any unacceptable actions in the reporting of the Odebrecht scandal as the interviewees' testimonies cannot fully account for every journalist working at that newspaper. For example, they did not show any concerns about the fact that there was only one source providing them with information on the case, which was an issue acknowledged by the journalists of *El Telégrafo*. This lack of self-reflection could have been due to the newsroom's collective perceptions on Jorge Glas's culpability, which in turn, could have been the result of their past tensions with his government, as explained earlier in this chapter. Consequently, these perceived norms in the newsrooms may signify potential constraints at the time of covering a high-profile case as they would inhibit the journalists' search for diversity of angles on the events reported.

Some participants also attributed flaws in their reporting to limited resources for journalists in the country. External source 1 suggested that journalists in Ecuador do not dig deeper into the stories they report and attributed this problem mainly to financial problems.

I did feel that journalists self-censored, maybe as part of a continuation of the way things worked under Correa, but also kind of because of limits with regards to investigative reporting. I mean, going after the story and chasing things down, you just don't see that very much here. It seems like the time constraints, turning around the story is quite important and instead of newspapers spending lots of money on independent journalism, you see a fairly limited budget for that kind of thing.

(External Source 1, 2020).

This is acknowledged by Saldaña & Mourão (2018) who examined the challenges of investigative journalism in Latin America. They quote Ecuadorian and other Latin American journalists who acknowledge the lack of time journalists have to work deeply on investigative pieces and gather information from official sources. Saldaña et. al argue that in these cases, the sources, knowing the journalists' limitations, are able to release information and control the reporting however they like. Nonetheless, even though these factors could be theorised to have played a role in the reporting of the Odebrecht scandal, the journalists did not make a direct connection with them.

However, it is reasonable to think that in environments of high political control, such as *El Telegrafo's* news reporting, the lack of time or resources to work thoroughly on sensitive topics might not be as significant a factor in a situation where journalists' main concern would be to meet the editorial standards established.

External source 2 also added that low wages affect the journalists' ethical decision-making as, reliant on income, they end up acting in line with their employers' interests "when they [the journalists] have to work in an occupation that is badly paid, it forces them to act under the political-editorial decisions in the information companies" (External Source 2, 2020). This is highlighted by Skjerdal (2008), who acknowledges that journalists face active and passive censorship, the former being explicit orders from their bosses on what they should report or not, and the latter being topics that the journalists know will not get approved for more in-depth coverage. This suggests that maintaining the balance between professional journalistic practices and the need to keep their jobs may be challenging, especially during situations with high political polarisation as the Odebrecht case showed.

The participants' comments revealed several issues that Ecuadorian journalists face. These include the lack of time they are able to spend on the coverage of sensitive cases, the pressures of the newsroom environment, a lack of access to diverse sources and their need to keep their jobs. All these factors combined seem to play a role in the journalists' approach to the news. Specifically, they seem to create an environment where journalists need to consider their job security in moments when they might disagree with their newsrooms collective approach to certain news, leading them to fit the news within perceived expectations. This situation clearly conflicts with the journalistic ideal of providing information to the public that they can use to strengthen democracy. In fact, it seems that the poor journalistic work conditions are a direct threat to serving the public interest. This is because they create the perfect conditions for the manipulation of information resulting from the influence of those with economic power on journalists that do not have too financial security (Milosavljević & Vobič, 2019).

Findings in the reporting of the Odebrecht scandal.

Some of the features of the reporting were also discussed with the interviewees, specifically with the journalists of *El Universo* and *El Telégrafo*. Amongst these were the use of terms to refer to Jorge Glas and the minor acknowledgement of the court absolving José Conceicao Santos (Odebrecht's informer) from the case, even though he confessed to being in charge of the bribes.

Use of terms for Jorge Glas

Since this study was carried out with Jorge Glas and his portrayal as the centre of the scandal, the interviewees were also asked about the rationale behind the use of terms to refer to Jorge Glas. Even though his vice president position is mentioned in several leads in the stories analysed, the headlines mostly address him as *Glas*, *Jorge Glas* and *Jorge G.*

The rationale to use the term *Glas*, in most of the articles was claimed to be due to space constraints. In regards to the term *Jorge G.*, journalist D (2020) expressed that they were opposed to that but it was required to use this term as part of media regulation policies. "The justice editor who had read all the codes and all the laws, said that the law requires that an inmate's identity should be protected. So, in response, I said 'it is ok if that is the law, but the law is not against common sense, because I feel ridiculous saying Jorge G.'. Similarly, journalist E said "it did not make any sense because he was the vice president and it had to be said. Everyone knows who he is". Journalists from *El Universo* suggested the same. Journalist A said "Everyone knows who they are. Why should we put Jorge G.? It is absurd. It is ridiculous". Journalist B added:

This case was international. I mean if you hid Jorge Glas's identity, people would be talking about the case in Colombia, Peru, Brazil. So, then you would say 'well, this is a person of public transcendence and the vice president. What is going to happen to the country if tomorrow the vice president is accused, there will be no vice president' In other words, you cannot hide this kind of information from the public. The right of the Ecuadorian people to know what is happening is more important" (Journalist B, 2020).

These arguments show the journalists' aligned perceptions in terms of scrutiny of power and news judgements. Overall, all the journalists saw Jorge Glas as a public figure given his position as Vice President, which seems to be the main factor to put him at the centre of the scandal. They justified this by arguing that the outcome of this scandal was public interest as it would signify his loss of the vice presidency, causing other consequences in the country's administration. These comments fit with the perception of the press and its duty to scrutinise those in power (Waisbord, 2001). However, the interviews revealed a perception of Jorge Glas's guilt, which resulted in structuring the news on that premise even if there was the intention to follow appropriate practices and follow the Communication Law (Saldaña & Mourão, 2018). This perception of Jorge Glas's culpability may be the reason for some of *El Universo's* journalists to claim that there was, in fact, an objective and fair approach in the coverage of Jorge Glas, and do not question features in the reporting that may be considered unfair or unbalanced. Even though *El Telégrafo's* journalists mentioned having to send a draft of daily issues to be signed off, they did not bring up any specific directions coming from the higher ranks in this respect. This could mean there is a possibility that, to an extent, their perceptions on Jorge Glas culpability synchronised with the government's interests to find him guilty.

The under-reporting of José Conceicao Santos

The findings of the discourse analysis also found that when the court sentenced Jorge Glas for illicit association, it did not sentence José Conceicao Santos, the Odebrecht informant who confessed to handling bribes. This finding was also discussed with the interviewees.

El Universo's journalists A and B justified this by arguing that the absence of focus on José Conceicao Santos was also due to the importance and significance of Jorge Glas in the news. Additionally, journalist B expressed that Santos was already sentenced in Brazil, which in comparison to Jorge Glas's situation, made his absolving obvious and less newsworthy. Journalist A also pointed out that Santos was never formally accused, which meant that he did not deserve attention as he was not part of the legal case reported.

However, external source 3 believed that, in hindsight, this may have been an editorial error.

I think that they focused on putting emphasis on Glas and everything around him.

And they did not take care of this angle that you mention and that is super important because it proves the illicit association in the sense that it sets and covers the topic that has to do with a double or shared responsibility. If that focus is not there, a focus on clarifying the case, beyond putting emphasis on one part, there is a journalistic methodological error.

In *El Telégrafo*, journalist D believed that the reason for the absence of this reporting was in line with the government's political goals to find Jorge Glas guilty.

When you see that Santos is not involved in the case, nothing happens because telling that would help the defence that claimed that there was an agreement, from a

political perspective, between the government and Odebrecht to save Odebrecht in exchange for Glas's head. Saying that could reaffirm that theory.

Journalist E also believed that *El Telégrafo* followed the government's agenda, which in addition to the information being released only by certain sources, discouraged the journalists from publishing things that might work against it.

The information was taken from what was said in high positions in the attorney general's office, and all the obstacles that were put in the case to limit the access to information can be seen in the lack of response to questions that the readers might ask.

In this regard, external source 1 was convinced that there was prior censorship in what was published on Odebrecht and the attack on Jorge Glas.

There was prior censorship in terms of what was and was not published, space, square centimetres. Because in print media you calculate sizes in terms of square centimetres. So, each time that information was presented, the stance to affect the image and defence of the vice president negatively was noticeable.

Overall, the interviewees' explanations on some of the findings from the discourse analysis reflect perceptions on newsworthiness of the events as well as influence from hierarchical structures in the reporting. These perceptions seem to be in conflict with the Ecuadorian Communication Law as they show specific circumstances in the reporting that led to the shaping of the news texts analysed. First, addressing Jorge Glas as *Glas* became mainly a space issue rather than an ideological decision. Even though the law said that he should not be addressed by his full name, his status as a public figure and importance for the public was acknowledged by journalists, who prioritised their judgement over the law's requirements. This is mentioned by Donsbach (2004),

who argues that at the moment of writing stories, journalists may make decisions based on what they consider to be true, relevant and acceptable. Furthermore, these behaviours reflect how Ecuadorian journalists' adherence to ethical codes is shaped by the situation being reported (Oller, Chavero, Cevallos, et al., 2014). In this case, although the law prohibited the mentioning of Jorge Glas, it could be argued that the journalists in charge of the reporting believed that his full name was necessary to use given his importance and relevance at the moment of the scandal.

Additionally, the interviewees expressed opposing opinions on the minor acknowledgement of the absolving of the Odebrecht's informant during the case. Although some participants claimed that it was because he was not newsworthy as the main suspect was Jorge Glas, others believed that showing his side would have allowed a better understanding of the development of the legal processes in the case. From the perspective of the law, this example would potentially be seen as non-compliant with the balance requirement. However, the law does not seem to have within its scope the unique perceptions that journalists have in each reporting according to its circumstances. These circumstances play a role in the journalists' decisions on how to shape their news texts (Donsbach, 2004). In this sense, the perceived lack of balance in the reporting of the Odebrecht case could have been the result of stances that saw the significance of the case differently from the journalists interviewed in this study.

These findings revealed problems in the application of the Communication Law as its codes approach news reporting as a concrete, standard process. This means that the law's articles do not seem to account for the complexities that the reporting of news faces, where the journalists' news values and perceptions interact with their perceptions of specific conditions in which the news take place.

Concluding thoughts

This chapter has examined the interviews carried out with journalists and academic experts on the reporting of the Odebrecht scandal and the media context in Ecuador. The impressions from journalists of both of the newspapers analysed, combined with the views from academic experts who were external sources, have contributed to the shaping of the arguments in this study that aim to answer the research questions proposed as well as addressing this thesis main objective, to see the role of the Ecuadorian Communication Law in the reporting of the Odebrecht scandal.

The following chapters focus on answering the research questions as well as the thesis's main objective by examining the findings of the three cycles in this research in a comprehensive and contextualised way that takes into account all the issues raised during the analyses of the texts and the in-depth interviews.

Chapter VII: Discussion

This chapter takes the findings from the analyses of the Ecuadorian and Argentinean news texts, and the in-depth interviews of the Ecuadorian journalists and experts that were carried out after, and discusses them in an attempt to answer the research questions proposed in this study. Specifically, the findings of each cycle will be organised and interpreted in order to make sense of the three main aspects that the research questions ask about: the fitting of the reporting to the Communication Law, the effectivity of the media regulation as proposed in Ecuador, and other factors that influence the way that Ecuadorian news are written. This discussion employs the data gathered throughout the three cycles from an epistemological constructivist approach that acknowledges the different perceptions of reality. This means that this discussion exposes the subjectivity in the Communication Law's articles and how these can be interpreted differently, teasing out its challenges in its application.

In this case, the data from the interviews was only considered in the research questions involving only the Ecuadorian case study. The reason for this is that, as mentioned before, the aim of the comparative approach during the textual analysis was to build a perspective that is aware of what unregulated reporting looks like in order to theorise how the discursive patterns in the Ecuadorian reporting responded to the Communication Law. The results of this analysis would set a foundation, which would allow the researcher to explore further the Ecuadorian regulated reporting through semi structured in-depth interviews. These interviews aimed to find deeper explanations on the role that the regulatory framework of the Ecuadorian Communication Law played in the reporting of the Odebrecht scandal. This research design provided the study with rich data on the effectiveness of media regulation, as well as other factors that affected the reporting of political scandals.

This thesis carried out normative analysis, discourse analysis and interviews in order to answer research questions about the regulation of media in Ecuador. First, the normative and discourse analyses of these two cases explored whether news texts, regarding a political scandal, created under regulatory legislation (that is, those produced under Ecuadorian law) show any differences when compared with those that were not subjected to any laws (those created in Argentina). Given that, because of the Communication Law, the Ecuadorian reporting is meant to fit within a legal framework, this study aimed to see the extent to which this made a difference. The case studies considered in each country were chosen for their contextual similarities. Specifically, both case studies are about corruption, involve leftists high ranking politicians who have accused the press of being dishonest and pushed for media regulation, and took place at similar times.

Second, the semi structured in-depth interviews of this study dug deeper into the Ecuadorian case study in an attempt to find explanations and draw conclusions about the impact of the Communication Law on the reporting, the journalists' views on the applicability of media regulation and its effectiveness in the news-making process in the Ecuadorian context.

The first research question that will be addressed is:

What are the differences between the reporting in regulated and unregulated news media?

In order to answer this, the study chose two case studies that shared certain similarities but took place in different regulatory contexts. Both cases were about political scandals involving left-wing leaders in Ecuador and Argentina and happened around the same time. However, the Ecuadorian reporting was subjected to Ecuador's Communication

Law, whereas the Argentinean reporting was not subjected to a similar legal framework. As highlighted in Chapter II, the argument against regulation is based on the idea that restrictions prevent diversity of ideas in the news media (Lewis & Crick, 2014). Specifically, state requirements for journalistic practices can affect the journalists' perception of freedom, heightening their sense of caution covering sensitive news and potentially leading to the absence of diverse reporting for the public interest (Oller et al., 2016). In this sense, it is worth noting that diverse ideas serve the public interest by providing citizens with truthful information to make good future decisions. The supporters of an unregulated media acknowledge that the lack of accountability for untrue, inaccurate or misleading texts is a challenge from having an unrestricted press. As these issues are partly the result of journalists' ethical behaviours, the scholarly debate centres on whether the state is and should be able to decide what is ethical in journalism, considering the natural counter roles that governments and journalists play against each other (Moore & Murray, 2012). Here, it is worth remembering instances where there has been concerns in terms of the extent to which the Ecuadorian government has used its power to retaliate against the press as a result of unfavourable reporting. For example, shortly after an investigation was released arguing for corruption involving Rafael Correa's family, he put a tax on newspapers for the purchase of paper (Larrea, 2011). Actions like this tease out the potential conflicts that may arise when a government has the ability to make decisions involving the institution meant to hold it accountable. Specifically, instances where political decisions against the media, it may be argued, could be founded in political reprisal rather than fair judgement. In this case, the presence of independent media observers that oversee journalists' practices could, ideally, be a way to have non-politicised input that addresses any potentially unfair actions from either side (Chavero & Oller, 2014).

The news texts of the Ecuadorian and Argentinean case studies were examined in two cycles. Even though the Argentinean news texts were not subjected to the Communication Law, their analysis against it would help the researcher understand the extent to which the patterns in the Ecuadorian texts could be due to the presence of regulation. In the first stage, the news texts were analysed from a surface perspective with the objective of identifying any signs of a lack of contrast, balance, respect of a person's dignity, or interference in the Odebrecht case's legal process. These terms are mentioned by the Communication Law in its articles 10(3b) (4e) (4f), 18, 22, 25 and 27, and are shown as requirements in the legal framework to assess news stories. Due to the subjective nature of these legal requirements, this examination took an approach that rather than measurements, looked for explicit signs that could suggest divergence from the law.

The most noticeable differences in this analysis were the lower number of stories in the Argentinean case study, as well as the fact that Ecuadorian news texts were tagged as information pieces with the symbol (I). This difference is a clear result of the Communication Law, that requires news articles to be tagged as information (I) or opinion pieces (O). However, more significant differences were found during the execution of the discourse analysis on both case studies, detailed as follows:

Ecuadorian Newspapers

The findings in *El Universo* and *El Telégrafo* reveal patterns that allow the researcher to discuss the texts and theorise how they were shaped by regulatory factors, and the writer's perspective of the events reported and their newsworthiness. The texts show consistent meaningfulness in terms of local and global coherence throughout the reporting, which is the way in which the speaker's messages to the audience are conveyed in a consistent manner (Van Dijk, 1983). Specifically, the treatment of Jorge

Glas is mostly negative and generally undermining, with the only exception being *El Telégrafo*'s more favourable reporting of him at the beginning of the scandal.

A writer's ideas and opinions can be reflected, in a way, through the use of evaluative language which in consequence, can affect the way subjects in question are represented (Richardson, 2009). In this regard, Schie, Martijn, & Pligt (1994) argue that the use of evaluative language usually matches the writer's position. In the reporting of the Odebrecht scandal, it could be argued that *El Universo*'s stories at the start of the legal case reflected beliefs that supported the actions against him and undermined his defence, for instance, *cling to the vicepresidency*, which humiliated and undermined him, *free way to Glas's criminal lawsuit*, which implied that there were no more obstacles preventing him becoming part of the case, and *assembly tests its support to investigation of Glas*, which literally positioned Jorge Glas in opposition to justice.

These features in the reporting also teased out possible roles that the journalists were, or thought they were, fulfilling in this situation. For instance, the reporting of corruption in South American politics has always had a presence in journalism coverage and communication scholars are aware that, at some point, this can also represent biased views in the news. Specifically, the journalists' self perception on what their roles are in society might encourage them to engage in more passionate, thorough work, which on the flipside, can also be a cause for questioning the shape of the news texts they produce (Mellado, Hellmueller, et al., 2017; Oller, Chavero, Cevallos, et al., 2014).

Argentinean newspapers

In the Argentinean case, the newspapers considered were *Clarín* and *Página 12*. The rationale for the selection of these newspapers was their ownership and political tendency: *Clarín* is a private newspaper and is considered to be conservative, and even though *Página 12* is also privately owned, it is labelled as progressive.

The discourse analysis of the reporting of the scandal involving Cristina Fernández showed features that reflect similarities with the treatment of Jorge Glas but also differences in the portrayal of her defence. It could be argued that the reasons for these could lie in the Argentinean media context, where there are diverse news media that supports opposing political ideologies. In contrast to Ecuador, Argentina's media seems to show more diversity, and include reporting where strong leftist politicians have support (Goldstein, 2013).

Clarín showed the same patterns towards Cristina Fernández in terms of evaluative language and the overshadowing of her defence. Additionally, there were some stories that even though they were under the umbrella of the scandal, were also focused on aspects that were not concretely connected to the case. For instance, in the reporting of Cristina Fernández's trip to court, *Clarín* focused its reporting on her alleged impoliteness, rather than its relation to the case. Furthermore, when Cristina Fernández was absolved by a judge, the story focuses on the judge's alleged questionable past, which delegitimised his decision.

On the other hand, the most recognisable aspect in *Página 12* was that it did not have as many stories as *Clarín*. Nonetheless, this newspaper seemed to have the same discourse features but in Cristina Fernández's benefit. For instance, there were several occasions where the stories questioned Cristina Fernández's opponents' reliability and character and made claims about the case being part of a political persecution and an attack on her reputation.

Certainly, the norms of court reporting and political scandal reporting shaped the news texts, however, there were differences in how these norms operated. In this sense, both case studies did not show significant differences in terms of the use of language but did

in formatting features such as the tagging of news articles in the Ecuadorian newspapers and the lower quantity of stories published by *Clarín* and *Página 12* compared to the Ecuadorian newspapers. However, it is clear that the stories in *El Universo*, *El Telégrafo* and *Clarín* framed the information towards the culpability of Jorge Glas and Cristina Fernández, respectively. *Página 12* seemed to be the only outlet that, while also being biased, was biased in favour of Fernández's innocence. These results demonstrate partisanship in each of the newspapers in this study. Despite the Ecuadorian newspapers being under regulation, the facts in the reporting build a version of the scandal that fits their ideologies (Levendusky, 2013). This suggests that the presence of the journalists' framing occurs in pieces surrounded by factual information, which in a way, proves the kind of journalistic judgement that relies on facts. However, some of the findings also prove that there is a distortion of this principle, specifically in terms of complete information (Croteau & Hoynes 2006), such as *El Universo*'s omission of the court's decision to leave Odebrecht out of the case, or *Página 12*'s constant argument that Cristina Fernández was being persecuted rather than investigated. Even though these features may not be intentional, they do result in the news media's loss of focus on fact-based information. Ultimately, this might affect the audience as they would be susceptible to polarisation as a result of the consistent treatment of Jorge Glas or Cristina Fernández, which in turn could cause them to receive the news with a certain predisposition (p. 613).

The reporting in the Ecuadorian case study gains relevance as the content is supposed to be under the regulation of the Communication Law, which is precisely looking to “respect the processes of verification, appropriateness, contextualisation and contrasting in the diffusion of information and public relevance or general interest” (Asamblea Nacional, 2013). This raises questions on the effectiveness of the

Communication Law in Ecuador as these terms are often connected to the journalists' subjective and contextual factors, such as their own beliefs, journalistic cultures, values, and news judgement (Oller, Chavero, Cevallos, et al., 2014). Moreover, decisions made on news texts' compliance with these journalistic terms also require exhaustive expert analysis. In this sense, the regulation model in Ecuador gave powers to the government to oversee this law without prioritising the presence of communication professionals. Therefore, it is fair to doubt the extent to which the assessment of news texts against the law would be rooted in reliable and adequate processes that acknowledge the complexities that shape the news (Fernández Balda, 2020). These issues were addressed in more depth in the answer to the following research question.

Does the Ecuadorian reporting fit with the articles of the current Communication Law?

In order to answer this question, the data from the normative and discourse analyses on the Ecuadorian news texts, as well as the in-depth interviews were considered.

The results of normative analysis revealed that there was an apparent success in the obedience of the law as the majority of the news texts showed apparent compliance with the legal articles in question. At first glance, this analysis suggested no major issues with compliance with the Communication Law. However, the second stage of the analysis, which consisted of discourse analysis of the same news texts, demonstrated other features, such as evaluative language or highlighting of certain information that seemed to fail in their legal compliance.

Despite the results of the discourse analysis, the interviews revealed that journalists were committed to complying with the Communication Law. Journalists from *El Universo* said the newspaper called on lawyers to check the stories on Jorge Glas for

compliance with the law. Even though they expressed their discontent with having to comply with the regulations, they claimed that, in the end, it was in their interest to do so to be confident of the quality of their texts, and prevent future legal trouble.

Journalists from *El Telégrafo* had a different experience given the newspaper's state ownership. They said each issue was signed off in draft form by the government's secretary of communication and his team before it was published. They acknowledged that the newspaper's reporting might have been more biased against Jorge Glas, and argued that the reason for this was that the information on the case was hard to access as it belonged to the attorney general's office, who would release it as they saw fit. In this regard, they also commented that the sign off of this reporting for publication fit the government's political interests in harming Jorge Glas and decreasing his authority as vice president. This editorial alignment with the government's goals may have been the reason why they did not experience issues with the Communication Law. As well, these testimonies further make the case that even though *El Telégrafo* technically is a public newspaper, in practice it worked more a state newspaper given the almost non-existent chances for journalists to write content that does not align with the government (Chavero, 2015; Mestman & Mastrini, 1996).

The experiences of journalists of both newspapers suggest that even though the law aims to contribute to better quality journalism and ethics, in practice, its application seemed to be more about preventing strong criticism to the government. Specifically, the direct control by the government on *El Telégrafo* and the need to get the stories checked in *El Universo* do suggest fears of political influence and raises concerns about the possibility of government intervention in the assessment of news compliance (Chavero, 2015; Chavero & Oller, 2014). Notably, their news stories still included features that did not follow the law and which reflected bias, even though they appear

to have been created in an environment with some oversight and at least a fear of censorship. These rather contradictory aspects suggest two things: First, the journalists' approach to the news and ethical standards are affected by the specific situations and events they are reporting, and second, the Communication Law's application seems to be significantly directed by political goals (Oller, Chavero, Cevallos, et al., 2014).

These findings make it challenging to get to a concrete answer on whether the stories in *El Universo* and *El Telégrafo* fit the Communication Law as the concepts in discussion are, by nature, subjective. In this regard, the factors that shaped the news reporting, such as the use of lawyers to check the news texts' compliance or the limited access to sources and official information seem to gain importance in arguing whether or not the texts fit the law. These variables suggest that, even though they may not be reflected in the news texts, there are journalists' whose approaches of the reporting reflect their attempt to comply with the law. Furthermore, there might be specific circumstances in the reporting that are out of the journalists' control which could contribute to news that do not fit with the law's requirements.

In these cases, carrying out valid and legitimate assessments on those texts might be more challenging as the presence of personal values, journalistic cultures, and specific circumstances in the reporting, make every news text, as well as their assessments, unique and justifiable in its own terms (Oller et al., 2017; Oller & Barredo-Ibañez, 2013). In other words, in cases where news texts are judged, journalists will defend them from their positions as independent scrutinisers of power and consider the unique features that each reporting had. On the other hand, those in charge of the law will assess texts from a foreign perspective that may not consider these positions nor the processes or challenges the reporters went through. Moreover, these opposed views become issues not only because they may complicate the reaching of decisions on news

texts' compliance with the law, but because the two opposing parties defending and scrutinising their views are natural counterparts meant to challenge each other.

Thus, it seems there are significant variables to consider in order to claim whether the reporting of the Odebrecht scandal fits the articles of the Communication Law or not.

One variable is that certain textual features cannot be measured, at least not in the ways mandated by the Ecuadorian law. Therefore, they require deeper analysis, which as discussed is subjective and, therefore, dependent upon who carries it out. Another variable is the specific circumstances the journalists faced during the reporting of the Odebrecht scandal, which included the influence of politics in the release of information in the case as well as the presence of historical tensions between the government and the news media. Given that the law is applied by government officials, it is challenging to theorise how these challenges would be considered by the government officials in charge of applying the law. This is because they would be naturally inclined to dismiss or refute any allegations that affect the government negatively, in this case the politicization of a legal ongoing case.

The next research question to answer is:

What does the data analysis suggest regarding the effectiveness of media regulation in Ecuadorian newspapers?

The analyses carried out in this study revealed findings that pointed to several conclusions regarding the effectiveness of the Communication Law for print news stories.

The comparative discourse analysis carried out on Ecuadorian newspapers did reflect features that could be seen as obedience to the law, such as the tagging of news stories as news articles or opinion pieces, balance in terms of space given to each side of the

story and factual information. Additionally, there are no signs of adjectives or verbs that could be seen as insulting or damaging someone's dignity. Furthermore, *El Universo's* journalists' comments on the use of lawyers to advise them on their stories' compliance with the law, as well as *El Telégrafo's* journalists' clear awareness of their necessity to align with the government's views, do show the awareness of the law and issues regarding their compliance with it. However, in *El Universo*, journalists' motivations for seeking out lawyers' advice are as likely to be as much about avoiding punishment as they are about wanting to improve the quality of their stories, which demonstrates that even when journalists follow the specifics of the law, it is not a given they share or honour its intent. In *El Telégrafo*, the government's explicit control on the information published, while also being in charge of the law that regulates that information, shows clear issues in terms of how effective that regulation can be in terms of transparency and fairness, as mentioned earlier.

There are several findings that suggest issues in the effectiveness of media regulation as proposed by the Communication Law, which may not only result in its lack of validity as a tool to improve journalism, but also in its ability to assess news stories as being inaccurate or unfair. Firstly, this examination of the news texts demonstrates that the reporting is clearly not impartial. The use of evaluative language, the writers' decisions to highlight actions against Jorge Glas over his defence, and the perceived lack of analysis on whether the judicial process of the Odebrecht case was carried out appropriately, are all aspects that respond, in part, to specific news approaches and newsrooms editorial agreements (S. J. A. Ward, 2015). In this regard, media regulation as proposed by the Ecuadorian Communication Law does not seem to account for journalists' news judgements and own decisions of newsworthiness in their reporting. For example, the reasons for the reporting to portray Jorge Glas negatively may not be

a result of the journalists' malicious intentions but their appreciation of the information gathered and their take on it. Moreover, even though the fact that Jorge Glas's defence is not acknowledged as much as the court's actions which could be seen as a lack of balance in the news, a counter argument could claim that the stories published reflected the most newsworthy aspects from the scandal. This was discussed with the interviewees when they were asked about parts of the case that were not equally addressed. They argued that some aspects were left out as they were not legally part of the Odebrecht scandal. Others believed that the reason Jorge Glas and actions against him were highlighted was because of his relevance as vice president of the country and his imprisonment and conviction would have significant impact on the country's government and future appointments. These comments reflect research carried out by Pashler and Heriot (2018), who concluded that the newsworthiness of news relies heavily on journalists' perceptions and are affected by the writers' interest in politics. This is important to note as, in the Odebrecht case, journalists made judgements about its news value and made decisions that resulted in the case being portrayed in a way that affected Jorge Glas negatively. This shows tensions with the Communication Law's requirements for fair and balanced information, which would imply that texts are neutral and do not sway the readers in favour or against specific actors, nor editorial opinions on the culpability or innocence of individuals being legally prosecuted. Moreover, questions are raised in terms of the extent to which news texts seemingly non-compliant with law can be deemed to be result of unethical behaviour or genuine news judgements and values.

Secondly, media regulation as proposed in Ecuador faces challenges to its effectiveness due to its lack of legitimisation within the journalistic community. The interviews revealed the journalists' rejection to the law's ethical requirements, even though they

did agree that these are important to follow in the reporting of news. In this regard, Bertrand (2002) believes that journalistic codes are created as a result of acknowledgment of the flaws in laws regarding media. However, he also claims that they will not be followed if the journalists do not align with them in terms of morality and ethics. As discussed in the literature review, the journalists' behaviours around what is right and wrong in the news-making process is often influenced by their experiences in the newsroom, journalistic cultures and specific contexts. This suggests that if the newsroom promotes ethical practices, eventually the staff will naturally apply them to their work. However, it appears that state regulation is a system that raises concerns in the Ecuadorian journalistic community. This is reflected by the fact that even though most journalists interviewed agree with the requirements of the communication law, they strongly criticised the power that it gave to the government to regulate news texts. Moreover, they advised that it would improve if its application was carried out by bodies that included journalism and communication professionals. These declarations reflect the journalists' openness to regulatory systems with self-regulation features, which in this case would take the form of state law applied, in part, by fellow colleagues. In this sense, it is fair to argue that a policy regarding journalists' practices coming from a government with full power to decide what news are lawful or not, and with a history of hostility against the press, is likely to be doubted, mistrusted and rejected (Ávila, 2013; López, 2001). The situation in Ecuador shows that, perhaps, the presence of media regulation applied separately from the government and through transparent processes, could play a role in news reporting that standardises expectations on what acceptable reporting should look like.

Now, this chapter will move on to answer the third research question:

What other factors does the analysis suggest affected the way news articles on the Odebrecht scandal were written in the Ecuadorian regulated newspapers?

In order to answer this question, it is necessary to go back to the information provided by the interviewees on the results of the discourse analysis and their perception of the journalistic landscape in Ecuador, as well as the relevant literature in order to make justified and coherent suggestions.

Interviewees broadly agreed on political tensions as the main aspect that affected the reporting of the Odebrecht scandal in Ecuador. However, these are perceived differently by the interviewees who belonged to three categories: journalists from a private newspaper, journalists from a state newspaper, and external sources (academics). In the Odebrecht reporting, even though the journalists interviewed did not specifically write the stories analysed in this study, their senior/managerial positions in the news as well as their high-level of involvement with those who did, made it possible to glimpse the overall perception of the newsroom in this topic.

Journalists from a private newspaper (*El Universo*)

The journalists from *El Universo*, who manifested strong disagreement with the Communication Law, and the people who pushed for its enactment, Jorge Glas, Rafael Correa and their party, had clear opinions about who was responsible in the scandal.

In the case of *El Universo*, the interviewees' perception of freedom resulting from the newspaper's history of tensions with the government, as well as their news judgements considering the relevancy of the Odebrecht scandal and Jorge Glas as Vice President, seem to be factors that shaped the reporting. The journalists from this newspaper were explicit in their dislike of Jorge Glas's government and their beliefs in his culpability. This attitude was based on the hostility they believed that his office had against the

news media, and particularly *El Universo*, as they still remembered the lawsuit that his ally won against them, which almost resulted in their near bankruptcy. In this regard, they acknowledged that even though the Government had changed by the time the scandal took place, they were still afraid of potential prosecution resulting from their reporting, which was the reason why they had their texts checked by lawyers before publication. By comparison, they claimed that their stories were never questioned by owners and that they had complete freedom, considering journalistic standards, to decide what needed to be published.

In terms of their reporting, they added that Jorge Glas was treated as the centre of the scandal because his relevance to the country could not be ignored, as the outcome of his trial would result in important changes in the country's administration. However, even though the third journalist agreed that, in fact, the owners of *El Universo* had not shown signs of controlling the publication of content, they claimed that the journalists who covered the case did not make enough effort to show Jorge Glas's side in the scandal or contextualise Odebrecht's extensive role in Ecuador. He believed that this reflected the newspaper's history and liberal ideology, and its existing biases against Jorge Glas resulting from the lawsuit, which led it to associate him exclusively with Odebrecht corruption practices

It seems then that the journalists' perception of freedom in their work was a significant factor that shaped the reporting of the Odebrecht scandal (Oller et al., 2016).

Specifically, even though they still had residual fears from previous tensions with the government, which led them to use lawyers to check their stories, their declarations reflect news judgements based on the newsworthiness and public interest of the events. However, the declarations from one of the journalists arguing that there was not enough

contextualisation in the reporting, suggest that there was a certain degree of bias. This could be result of the historical tensions between *El Universo* and the government.

Nonetheless, the negative portrayal of Jorge Glas in *El Universo*, may also be explained from a point of view that recognises his relevance in his political context along with the magnitude of the Odebrecht scandal across the South American region. In other words, Jorge Glas's reporting could also have been a result of the newspaper's ultimate goal of having attractive content to publish. Thompson (2013) and Motsaathebe (2020) agree that the mediatisation of scandals was born from, and still relies on, the fact that it will get them an audience. Thompson emphasises the way in which headlines and phrases can build up the disapproval of those involved in scandals, but also recognises how those texts can be a result of the journalists' news judgements and their stance on the scandal, which are not necessarily driven by malice. This argument aligns with the interviewees' comments on why Jorge Glas was the centre in the reporting of the Odebrecht scandal and his portrayal in the case.

Journalists from a state newspaper (*El Telégrafo*)

In *El Telégrafo*, one highlight of the interviews was the journalists' appreciation that the newspaper's shift in the treatment of Jorge Glas was likely due to Moreno's government's ideological shift. In this shift, Jorge Glas went from being an ally to being his political opponent, which occurred at the same time that the scandal broke out and developed. According to the journalists, Moreno's attitude towards Jorge Glas was passed onto the newspaper's administration and is reflected in its reporting. In this sense, it seems that the state ownership of the newspaper allowed for the government to control what was published, which took the form of constant checking of the issues before they were published (Manual, 2020).

Even though journalist D acknowledged that these checks never resulted in changes to any of the stories on the Odebrecht scandal, they believed that the reason for that was the information in them already aligned with the government's interests. This demonstrates Chavero's (2015) claims of the use of public-funded media to push the Government's agenda. The journalists of this newspaper believed that the constant government checks - along with their sources also being from the government who released information for its convenience - left them no choice other than to write stories that fit the government's needs. That oversight and their desire to keep their jobs created a chilling effect, wherein the newspaper could not risk original reporting on the scandal and instead amplified official information. This matches with Edmond's (2013) comments on the government's use of state media to gain supporters through positive reporting, or the need to show off its strength. The interviewees argued that the current government at the time was hostile against Correa and his supporters, which meant that a negative outcome for Jorge Glas would do two things: increase the government's popularity amongst voters and show it as strong and intolerant towards corrupt politicians. In this sense, it is fair to think that Moreno's government would have benefited from Jorge Glas being considered corrupt after cutting his relationship with him.

These declarations show *El Telégrafo's* role in following an agenda that responds to its structure of power and the extent to which hierarchical structures can shape the reporting (Levendusky, 2013). Specifically, the fact that the administration of this newspaper would sign off every issue before publication, as described in Chapter VI, exemplifies how ownership can affect the news. Even though this is an issue pointed out by scholarship as happening often in private media (Baker, 2006; Chomsky, 1993), it seems that in this case it happened only in the public-funded newspaper. The reason

in thinking this, is that because *El Universo*'s journalists' claims that they did not experience any direct orders or directions from the newspaper's owners on how to report the Odebrecht scandal.

However, it is beyond the scope of this study to pinpoint concrete moments that demonstrated the government's influence in *El Telégrafo*'s reporting. As Larreguy and Marshall (2019) acknowledge, in these cases there is never any solid proof that a government explicitly makes decisions on a state newspaper's content. However, the approach to the reporting of the Odebrecht scandal as told by the interviewees gives signs that this newspaper worked as a spreader of the government's views and political ideology. In this case, even though there were no explicit government orders to report the Odebrecht case in a certain way, the requirement to sign off issues before publication is a strong sign of the journalists' lack of freedom in their reporting.

External sources (journalism academic experts).

Lastly, similarly to the journalists' declarations, the external sources also acknowledged the animosity between the government and news media. In the case of *El Telégrafo*, they also agreed that the government used it actively as a channel to publish positive things about itself (External Source 1, 2020). In addition, they connected biased news texts to the presence of hierarchical structures in news media institutions, and concluded that the unfair reporting is likely a result of the journalists' poor work conditions. These conditions involve low wages, high workloads and controlling environments. In these in employee-employer environments, journalists have no choice but to write their news texts to fit the expectations of the newspaper.

The issues mentioned above are also discussed by Saldaña & Mourão (2018), who conducted a survey of more than a thousand journalists across Latin America in order

to examine the main challenges that journalism was going through in the region. They found a high level of reliance on official sources which limited the range of perspectives on what was being reported, causing biased or unbalanced news stories. As well, time was also a constraint that lowered the quality of journalistic work. Journalists are required to modify a story into different formats, such as audio or visual form, while also having to produce multiple stories, which requires them to work quickly rather than produce more in-depth and robust stories.

Highlighting the hierarchical models in Ecuadorian media, the external sources interviewed believe that the conditions journalists work under do not leave them room to engage in thorough work regarding highly sensitive news. This situation could provide some further insight as to why, at the moment of the reporting, there was no attempt to explore stories more deeply or to elaborate stories that looked at other parties in the Odebrecht scandal. The discomfort from the risk of jeopardising their jobs or the need to juggle multiple tasks with tight deadlines may have also contributed to the publication of content that fits the newsrooms expectations. In this case, these expectations were likely the result of focusing on Jorge Glas as the main actor in the Odebrecht scandal due to his perceived significant public relevance, past history and controversy.

Concluding thoughts

Chapter VII organises the findings of the research and examines them in order to answer the research questions proposed in this study, which focused on the differences between regulated and unregulated news texts, the effectivity of the media regulation in the reporting, and other factors that influence the way that news on the Odebrecht scandal were reported. This chapter provides the grounding for the present chapter, Chapter VIII, which looks further at this information in order to suggest what current

challenges affect journalists' work in Ecuador and whether the Ecuadorian Communication Law represents a positive or negative step in the process of fostering quality information.

Chapter VIII: Conclusion

Throughout the development of this thesis, several issues concerning the state regulation of journalistic practices have been explored. From a theoretical perspective, this thesis explored normative concepts on the news media's role in relation to serving citizens and the public with quality information and debate, as well as journalistic cultures and practices, setting up a dialogue between international (Baker, 2006; Christians et al., 2009; Croteau & Hoynes 2006; McBride & Rosenstiel, 2014; Schudson, 2001), Ibero-American (Becerra, 2015; Giralt, 1998; Marino et al., 2010; Mastrini, 2013; Mestman & Mastrini, 1996) and Ecuadorian scholarship (Chavero, 2015; Galán Montesdeoca, 2015; Montúfar & Barredo-Ibañez, 2017; Oller, Chavero, Ortega, et al., 2014; Oller & Barredo-Ibañez, 2013; Ordóñez, 2013; Ramos, 2010). Specifically, the relationship between the news and the public interest, journalistic ethics, and media ownership and regulation, were reviewed in order to set up a theoretical framework that identified literature gaps that the research conducted in this study could fill. These gaps included the need to understand through empirical research the extent to which a state media regulation policy has an effect on the reporting and whether that effect is as intended.

In terms of the research focus, this thesis aimed to understand the role of the Ecuadorian Communication Law in the reporting of the Odebrecht scandal.

Specifically, this empirical research found specific evidence of the influence of this law in news texts covering this event. It also found specific evidence in the perception of freedom in journalists reporting it by considering their regulated context, workplace hierarchical structures and ethical approaches to the news.

First, this discussion examined how the Ecuadorian law's ethical requirements of facticity, fairness, balance and impartiality reflect in the texts' reporting of the

Odebrecht scandal. This was done by contrasting them with unregulated reporting under similar circumstances in Argentina. This study found that the Ecuadorian coverage, governed by the Communication Law, had clear discursive differences when compared to the unregulated Argentinean coverage. In particular, the reporting in the Ecuadorian newspapers had language features with different levels of explicitness, suggesting constraints in drawing concrete conclusions on whether they fit, or not with the Communication Law's requirements.

Second, the in-depth interviews further explored the Ecuadorian journalists' approach to the Odebrecht scandal and Jorge Glas, and how they attempted to comply with the law. The thematic analysis of the interviews revealed that the journalists question the legitimacy of the law, mainly because of its political origins and the full power it gives to the government to be a scrutiniser of news content. In this regard, the fundamental clashes between the news media and Rafael Correa's Government seem to be a factor that influenced the journalists' perception of the law and approach in complying with it. This hostility between private news media and the government has also led to a deeper understanding of the different perceptions of the reasons that may have motivated the implementation of media regulation policies in Ecuador and its role in news reporting.

From this, the analysis discussed the press's accountability when reporting highly sensitive political news, the issues in the regulation of the media being carried out by the state, as well as other factors that play a role in the reporting of sensitive political news. On the one hand, the conclusion will recognise that, besides the law, there are multiple other factors that could have affected the journalists' selection of language in the reporting of the Odebrecht scandal. On the other hand, however, by considering key issues discussed throughout, such as news media's hierarchical features and journalists' interpretive and subjective perceptions of their media and political context, this chapter

will argue that the presence of the law could have been the key mechanism that shaped the reporting. Specifically, it seems that the presence of the law worked as a checkpoint for journalists to make sure that their texts met the standards spelled out in the law, which prevented the presence of explicit language that could come across as unfair or unbalanced.

This concluding chapter will synthesise the findings of the research carried out in previous chapters and re-discuss the main themes of this thesis. Additionally, it will also discuss this thesis contribution to knowledge, which is to add through empirical research, insights on perceptions of media regulation and whether or not it can be applied to improve journalistic practices in the Ecuadorian context.

Media Regulation

The discourse analysis of the Ecuadorian case study revealed significant features in the reporting of the private newspaper *El Universo* and the public-funded one *El Telégrafo*. It indicated the presence of politicised news judgements may signify a lack of compliance with the Communication Law, such as the portrayal of Jorge Glas as the main party responsible in the case, and the overshadowing of information that benefited Glas. These patterns became entrenched as the case developed and the Government in office took away its support for Glas and his party. This demonstrates the similarity in the approaches to this news in both newspapers, even though their ownership was different, and shows that in this regulated environment, the reporting still managed to frame the news as supporting Jorge Glas's culpability. Furthermore, the reporting in both newspapers suggests that despite the law, the portrayal of Jorge Glas was, overall, inclined towards his culpability, exposing the alignment of these newspapers with different perceived political tendencies.

By comparison, *Página 12* and *Clarín* in Argentina showed more explicit partisan reporting in favour of and against Cristina Fernández, respectively. *Clarín* presumed her culpability and painted her as a protagonist in the case, whereas *Página 12* did the opposite by highlighting her defence and claims that she was being judged unfairly. The interesting finding here is that the reporting in favour of Cristina Fernández came from a private newspaper, as Argentina does not have public newspapers. This suggests that, despite *Clarín* being the biggest media corporation in the country, the Argentinean media context allows for media structures where the owners seem to have different political tendencies, which allows for different perspectives on the case. However, here it is important to recognise the uniqueness of journalistic cultures (Oller et al., 2017) and media contexts in South American countries. It is also important to keep in mind that the focus of this study is not the Argentinean context and therefore more research, specific to Argentinean journalism, would be needed to fully account for and provide explanations for the patterns found in its reporting, which is outside the scope of this thesis.

In the Ecuadorian case study, the information from the interviews provided possible explanations for the reporting against Jorge Glas. For instance, on the one hand, the dislike that *El Universo*'s writers had for him and his party due to their past conflicts, and on the other hand, the constant supervision that the government, who was also Jorge Glas's political opponent, had over *El Telégrafo*'s reporting. The partisan reporting in both newspapers reveals that structures of power as well as the journalists' perceptions in the reporting, can have an impact on the news, which leads to an important question.

How can media regulation ensure fair reporting given these structural and subjective factors?

The comments made by some of the interviewees on having a transparent and diverse administrative body to oversee media's compliance with the law could be a step towards solving this question. The original approach of the Ecuadorian Communication Law intended that a government department where the head, appointed by the government, would have the highest authority over the body that handled cases of media content that did not follow regulation. The interviewees found this problematic as they did not see this person acting fairly given their direct connection to the appointing government. These comments are in line with past research that finds that journalists perceived the law as restrictive to their work as well as the fact that state media regulation needs to rely on transparent and independent systems to work (Chavero, 2015; Oller et al., 2016).

The interviewees imagined the administration of this body consisting of a diverse team in terms of occupations and political ideologies (lawyers, journalists, politicians, academics). They argued that this approach could promote non-politicised fruitful debate where all the necessary views are considered, which would increase the validity of decisions. However, though ideal, this proposal could also be seen as unrealistic in contemporary Ecuador as it requires an ideological middle ground in an otherwise significantly polarised environment. Additionally, in cases where political power is being questioned as abusive or corrupt, news media are in the position of holding it accountable, which would explain why the reporting on politicians in high positions of power may not adhere perfectly to legal requirements. In other words, a legal framework that regulates the news media may seem to work effectively in the reporting of daily news that does not involve public officials, however, its very nature may result in constraints during moments of political crises. In this situation, media regulation, either by the state or independent organisations, seems to inhibit the news media's

scrutinising role by having the power to apply restrictions on the reporting that could be exposing a government's wrong-doings.

In scrutinising the government, Saldaña and Mourão (2018) have found that journalists in South America are biased against political corruption. Specifically, once a case like this comes to light, the reporting usually revolves around how the corrupt acts were done rather than if they can be proven to have happened. It could be suggested that the patterns in the discourse analysis align with these earlier findings as the reporting seems to line up against Jorge Glas and Cristina Fernández by suggesting their culpability, rather than questioning if these politicians were even involved in the scandals considered. However, the results of the interviews suggest that, even though the results of the discourse analysis show features that may not fit the law's requirements, the journalists' work in the reporting was understood to have been done from a professional perspective rather than with bad intentions or malice, which reflects, in fact, an ethical approach to the reporting.

Consequently, media regulation as proposed in Ecuador has challenges in terms of its application. In particular, it is important to let journalists thrive in environments where they do not feel undue pressures and can conduct thorough and accurate work.

However, the current media regulation system and the news media's hierarchical model do not currently provide mechanisms to sufficiently protect their independence while also making them accountable for their texts. This situation suggests the need for policies that guarantee news that works in the public interest rather than for certain economic and political powers, while at the same time are valuable frameworks that protect journalists' ability to cover the news independently. For instance, the strong presence of civil society participation with common values in terms of public interest and fair information would increase the chances for the journalist community to accept

the law. More importantly, it would also increase their confidence that their work is being scrutinised by prioritising the public interest instead of other dominant agendas. Even though regulation is generally carried out by state institutions, the participation of civil society in the regulation of media content could be an alternative to prevent the news from being shaped by the interests of powerful groups. The reason for this is that this work by civil society, founded in the public interest, would better recognise any signs of partisanship in news content. In this case, the role of civil society in media regulation could help increase the legitimacy of complaints against certain reporting as, in theory, they would not show strong signs of politicised views.

Furthermore, it is important to see what media regulation means not only in the Ecuadorian context but more broadly where it functions as a key aspect in information consumed by the audience. Specifically, the connection between the news and the public interest needs to be considered when looking at regulatory policies. In this regard, public interest refers to what is important for the collective and what is needed for the full inclusion of all the communities (Croteau & Hoynes 2006; García Canclini, 2000; McQuail, 2012). In this regard, regulating the media presents bigger challenges as the increase in digital media and international open markets are changing the way people, who are also exposed to varied cultural and social norms, consume media. This phenomenon has also raised the public's awareness of media systems, which has resulted in more vigilance in ensuring that information is being delivered appropriately to audiences (Lunt & Livingstone, 2011).

In the United Kingdom, state media regulation seems to be countered by a growing ideal that media regulation should be carried out by public entities that are reasonably detached from the governments. These are seen as organisations with the capability to reach agreements with other media institutions in terms of what the public interest

entails in certain contexts and how media content can meet its needs. Additionally, these regulatory entities would also work on the public's perception of what media regulation means. They would do this by changing their image from restrictive norms of content to citizen driven guidelines based on public informational interests (Lunt & Livingstone, 2011, p. 20). It seems that this model could be a viable alternative in the Ecuadorian context due to the majority of the interviewees agreeing on the need for regulation to be carried out by members from diverse fields in the community.

However, here it is also important to recognise that there are some views that believe in the high level of politicization of several organisations in Ecuador. This means that even though the current regulation system proposed by the state is clearly countered with an alternative based on more citizen participation, there is a latent possibility that this alternative may also be prone to political influence and therefore also rejected by those who oppose regulation.

Ultimately, the current characteristics/features of the news media, in terms of their structures and the political context in which they function, suggest a need for a civil approach. Rather than impose regulatory requirements, this approach instead looks for consensus amongst media practitioners and other stakeholders on goals that serve the public interest and the practices needed to achieve them. The Communication Law's objective to foster quality information that benefits citizens appears to be in line with the principle of serving the public interest. Yet, the fact that it is administered by the Government in power seems to fail in promoting agreement on media practices.

State media regulation does not sufficiently consider the increase of new media in channels that are harder to regulate, or the growing culturally and socially diverse citizen interest in scrutinising media content that may seem to fail to abide by heterogeneous norms (Lunt & Livingstone, 2011, p. 21). In this sense, the audience's

ability to participate in active discussions questioning content that may not align with current social or cultural standards, shows a situation where media regulation has the potential of being exercised by the citizens rather than the those in power. This could be a way to validate attempts to hold news content accountable without the overarching conflict of state vs the press (Lunt & Livingstone, 2011, p. 21).

Media ownership and structures

This research has used its findings to draw conclusions regarding apparent constraints that media ownership can signify for the publication of news. Though media ownership is an issue acknowledged in most western media systems, the fact that in Ecuador most media are owned by a handful of economic and political powers raises more serious concerns. Specifically, at the time when the Communication Law came in, Ecuador seemed to show a considerable imbalance as 96% of the media spectrum was privately owned, and in the case of newspapers, only one was categorised as public (DW Akademie, 2016). This was discussed by Hallin and Papathanassopoulos (2002) when they researched and compared South American and European media systems. They see this as one of the main characteristics in the “instrumentalisation of privately-owned media” (p. 177), where media channels are the property of economic powers. They agree that that this relationship allows the use of the news media in defence of certain interests and against any policies or regulations that might affect them, which typically clashes with the media’s goal to disseminate information that will build up people’s ability to make well informed and conscious decisions (Baker, 2006).

By comparison, Ecuadorian public-funded media shows similar constraints as there is evidence that suggests their channels work closely to the government’s interests. In this sense, public-funded media is at risk of being a tool for people in power to spread their political views and inhibit any potential political resistance or scrutiny of their actions.

This is problematic because it is not likely to be denounced as their administration and financing are often carried out by government officials, in contrast to private media. (Becerra, 2014; Chavero, 2015; Chavero & Oller, 2014) .

Besley and Prat (2006) question the ways in which public-funded media get financing as, in contrast to private media, their income is not only a result of selling information, but also government funding. Private media needs to sell news in order to keep financially stable, which means that, in a competitive market with more one than one media outlet, their sales depend on selling more popular information than their competitors. By comparison, even though they are usually subjected to their audience rating, public media funding relies on other sources, for instance, payments from the government or government actions and conditions that allow for more resources, such as lower taxes or appointment of more funding to manage them (Croteau & Hoynes 2006).

The fundamental problem with these two views, however, lies in the news media relying on external actors who make decisions that affect their funding. Even though the news is shaped by several other factors, including journalistic cultures, contextual circumstances, and the presence of regulation or not (Chavero, 2015; Oller et al., 2017), ultimately, there is a latent risk that this need for economic resources may result in partisan journalism. In other words, the reporting may need to align with the interests of whoever provides the resources for a news media outlet to be able to operate. This was an issue acknowledge by the interviewees, who had different opinions on whether private or public media ownership puts fair information more at risk. However, all of the interviewees alluded to, in varying degrees, ownership as presenting threats in terms of decisions on what to report and how to frame it.

Nonetheless, the almost entirely private media ownership in Ecuador suggests a lack of balance between opposite editorial tendencies that could potentially jeopardise the audience's exposure to all relevant sides of the news. As a means to tackle this issue, in addition to ethical requirements, the Communication Law in Ecuador attempted to promote diversity of information by setting equal percentages in the distribution of radio frequencies/channels to three kinds of ownership: private, public-funded and community. Even though this did not apply to newspapers as they were not dependent on radio frequencies/channels, this measure tried to encourage more debate and allow for different reporting on issues of national interest, resulting in people's access to different points of view. However, this law presented challenges to its execution as the re-distribution of public-funded and community radio frequencies/channels seemed to lack enough interested broadcasters, which resulted in low demand for these channels. In this regard, Galán Montesdeoca (2015) notes that for the citizens' to have interest to uptake media channels, it is necessary to do more than providing legal avenues for their access to broadcast space. He believes that this interest relies significantly in the state's genuine attempt to create a space where communities that were otherwise isolated or ignored in the past, become acknowledged and are given more relevance in relation to mainstream media (Galán Montesdeoca, 2015). Though, this re-distribution of media does not really address the conflict of fair information being compromised by superiors' interests, or guarantee fair information either. This is because, as mentioned earlier, other factors affect how news are shaped, including the journalists' news judgement, newsroom cultures and contextual circumstances.

Challenges for journalists and their practices

Poor journalistic work conditions

The majority of interviewees agreed on the constraints that journalists face in their work. These constraints included: controlled environments and high workloads. They argued that there were fundamental problems that lead, regardless of journalists' intentions, to unfair coverage and a lack of analysis in reports. The few interviewees that did not share this claim, however, acknowledged that the easy access to technology allowed for less thorough and strict newsgathering. They believed that this access leads at times to replication of unverified online posts and the amplification of biased messages that are not based on factual information. As noted earlier, Saldaña and Mourão (2018) mention that the Latin American press has a history of bias towards covering corruption cases. This is usually shown in stories reporting how corruption was practiced rather than if it actually happened and could contribute to the partial or incomplete reporting in cases as complex as the Odebrecht one.

Moreover, the external sources interviewed also connected the journalists' controlled environments and their high workloads to moments when they faced threatening obstacles and had their livelihoods jeopardised, such as reporting news that involved sensitive topics. As a result, these factors can affect the journalists' ethical behaviour to levels where they may need to decide whether it is worth losing their jobs to write a story that does not fit the owner or newspaper's stance. However, even though controlled environments may result in self-censorship and the avoidance of topics relevant to the public interest, in Ecuador, Henao-Bedoya and Barredo-Ibañez (2019) found some journalists would resist these potential censorship issues by shaping their texts in order for them to fit the newspaper's editorial line, or by contacting colleagues at other newspapers in an attempt to publish the stories there.

Furthermore, controlled newspaper environments and high workload are issues that create situations where journalists may be susceptible to collective perceptions of accepted behaviours in news practices according to the situation being reported (Chavero & Oller, 2014). This means that any unfair reporting may not be voluntary but rather a consequence of the specific circumstances in the newsroom. An example of this comes from the interview comments by journalists of *El Telégrafo* claiming that a draft of every issue had to be sent to the government's secretary of communication. Even though actions like this could be considered inherently unethical and a restriction on the journalists' ability to work autonomously, it is understandable that there was no explicit resistance to this process because of the risks of: warnings, fines, jobs losses and even imprisonment, as had been documented in other regions (Foulkes, 2020). In the end, the government's active regulation of information before publication is likely to result in journalists' self-censorship, even if the news-making processes appear to be independent (Morris, 2017).

The high workload and access to online unverified sources were also claimed by external sources, as well as journalists, to have had an effect on the reporting of the Odebrecht case. The external sources argued that in such a delicate case, with journalists having multiple other topics to report and easy access to other news sources that fit their own newspaper's view, it was not hard for them to decide to replicate information rather than pursue their own data. Journalists also emphasised that needing to cover other stories made it difficult to dedicate enough time to such a complex case as Odebrecht.

Tensions between journalists and politicians

Lastly, perhaps the most significant challenge for journalists in Ecuador was the tension between journalists and Rafael Correa's party, which was unanimously talked about by

the interviewees and implicitly seen as one of the reasons to dislike the Communication Law.

There is a history of legal battles between the government and certain newspapers during Correa's period. The reasons for these revolve around claims of unethical and unfair journalistic behaviours, such as reporting false or misleading information. On one hand, Correa claimed that unethical practices had become the norm in Ecuador and blamed it on the elite's interests and their journalists' obedience. Kitzberger and Pérez (2016) describe how he categorised the media as a de facto power that did not allow for equitable progress in the country. They also agree that his actions against media ownership and ethical behaviour did result in a hit to the country's ruling groups. In this study's interviews, however, journalists from the private newspaper *El Universo* claimed that their stories reflected what needed to be published for the benefit of the people and that none of them were the product of internal pressures. Additionally, they claimed that they were never subjected to any orders from their bosses. This is an interesting finding as it challenges Baker's (2006) argument that journalists have few chances of writing freely without having to align with their superiors. Instead, this finding supports Oller et al. (2016) claim that journalists strongly feel free and heard by news media owners. However, in this discussion it is important to note that newsroom cultures are partly shaped by their contexts (Wyatt, 2014). This means that in the environment where Rafael Correa was so hostile against *El Universo*, it is likely that a sentiment of resistance and persecution was shared amongst the editorial staff.

In this sense, the journalists from *El Universo* had strong opinions against the Communication Law and emphasised their views on it being a tool created by Correa's government to punish their reporting, hinted by Chavero (2015) By contrast, those from *El Telégrafo* and the external sources said that most of the coverage of the

Odebrecht case was unfair and agreed that regulation was imperative to hold the news media accountable. They argued that unfairness in the coverage of the scandal was due to the history between Jorge Glas and the higher powers in both newspapers, the owners of *El Universo* and the government in charge of *El Telégrafo* when the scandal broke out. These comments further suggest the collective perception of restriction and political intention in the Communication Law, which could have been reflected in the way journalists from *El Universo* approached the scandal. Whereas the staff at *El Telégrafo*, having experienced the imposition of editorial orders firsthand, did recognise the explicit role of the newspaper's power structures and how different appreciations of the scandal did not fit with the editorial line at the time. In this sense, they believed that a concrete framework for news stories could provide the means to denounce unfair reporting.

The journalists' experiences at the two newspapers suggest that journalists' feelings of being threatened or oppressed are not necessarily a product of the Communication Law, but could also be a result of relationships between the journalists and government officials. This means that, in the end, the oppression of the media does not need legislation to work as it is something that can naturally arise from higher powers acting in intimidating ways during moments of sensitive political reporting.

Both these instances illustrate the impact that the media structures can have in the reporting of highly sensitive political reporting, just as the role that the journalists' own experiences with the government and their interpretation of the news play in their texts, also has an impact. These experiences can re-shape a newspaper's objectives in terms of its own perception as scrutiniser of the power and consequently build up a strong opposition culture that may ultimately spread to any future staff (Moore & Murray, 2012). Specifically, any act of scrutiny against journalists that is accompanied with

hostility may be questioned and de-legitimised, possibly leading to journalists feeling threatened. As a result, these interpretations of reality may affect the journalists' perception of their role as scrutinisers, which can be reflected in the language used in their texts. This raises questions on how powerful journalists and their news texts really are and whether they are sufficiently accountable for their work. However, high ethical expectations are not possible when the current media structures of power also influence journalistic work, especially in more close-work culture environments, and do not leave room for clear independence in decisions regarding relevant topics for the public interest.

Has the legislation worked?

The above discussion on the challenges that media are facing in the Ecuadorian context provides different perspectives of the Ecuadorian Communication Law and its role in contributing to the improvement of journalistic practices. This role gains importance in the reporting of highly sensitive political news.

This thesis took the reporting of the Odebrecht scandal to examine key newspapers' discourse and assess the effectiveness of the law in terms of articles 10(3b) (4e) (4f), 18, 25 and 27. These articles were selected as they dealt with issues of publishing fair, verified, contrasted and accurate information. As well, they acknowledge the need for impartial reporting and the absence of editorial views in the stories on ongoing legal processes. Additionally, the execution of in-depth interviews with journalists who worked at the newspapers analysed during the time of the reporting would help the study in making sense on whether the presence of the law signified fair reporting or not.

Regulation in news texts

As previously mentioned, the results of the discourse analysis of the reporting on both newspapers *El Universo* and *El Telégrafo*, ultimately showed that the law's requirements were not fully followed, despite the normative analysis suggesting otherwise. The stories in both newspapers showed systematic evidence of evaluative language, adjectives and highlighting of information that conveyed the message of good and bad people and criminals being caught, rather than legal processes being carried out objectively. Additionally, it was also possible to see instances of omission of information that would benefit one side more than the other.

In this respect, it can be argued that the purpose and efficacy of the law are not being fulfilled as the reporting, even though it seemed to fit with the requirements in the law at a surface level, it had discursive elements that built a rhetoric which persuades readers to see a guilty person, rather than a judicial process being developed fairly (Conboy, 2007). In theory, this is what the law's requirement for context, balance, fairness, and absence of institutional position in the articles aimed to prevent. However, it seems that it works more as a blunt tool for dealing with complex processes, which suggests its incapability to account for them at times when news texts are being judged under its framework. This reflects challenges in the application of the law as this thesis has demonstrated that not only is a detailed analysis required to test these legal criteria, but also that such tests are inherently subjective.

In other words, incorporating subjective ethical concepts into a legal framework can be challenging to reconcile, as subjectivity will be present in both instances: the writer's news stories and the assessors' decisions on whether they follow the law or not.

Habermas, as cited in Baxter (2014), addresses this issue and proposes a "discourse principle" (p. 251) in order to reconcile law and ethics. This refers to the attempt to

reach an objective common ground on the norms that should be followed when performing actions that affect other people. Such norms dictate parameters that aim to have fruitful debates, for instance: the validation of every argument, the ability to trump an argument only with a better one, and the need for the argument to benefit the collective good rather than the individual (Kettner, 2006). It could be argued that the law, in principle, attempts to do this by categorising acceptable and non-acceptable terms in the publication of news. Even though words like context, fairness and balance have general definitions, they can be challenging to use as legal parameters in certain instances. Specifically, the complexity of a corruption scandal like Odebrecht consists of so many factors that, in the end, the assessor's decision on the quality of a news story will be affected by their own perception of the scandal and the people involved.

The issues mentioned on the constraints of using abstract concepts as part of legal statutes set the foundation for future research on structural legal features and the potential obstacles they may present in the regulation of journalistic practices. Ecuador is a country whose legal system is built on civil law, which bases any legal decisions on legislation and legal codes that set parameters on lawful and unlawful actions (Pejovic, 2001). Given the nature of news texts, a channel for their assessment worth exploring might be common law models where decisions are based on past sentences in similar cases (p. 10). In this sense, ideally any decisions on whether a news text is not fair or balanced would be based on past decisions with similar texts and cases, which would, in theory, give assessors more ground to base their decisions on. Even though this method would require time to build a robust database for courts to be able to make decisions on, future research may explore whether, in principle, regulation of the media could be considered under common law frameworks and whether it is a realistic approach to consider in the Ecuadorian context.

Regulation in the newsroom

The journalists interviewed explained how the law was considered in the reporting of the Odebrecht scandal. Journalists from *El Universo* said that there was, in fact, an attempt to follow the law, which was mainly reflected through the assistance they had from lawyers in making sure that their stories fit the law. Though, they said that these practices were implemented primarily out of fear of being accused of breaking the law, rather than a genuine regard for fact-checking and accuracy of their stories. Journalists from *El Telégrafo*, however, expressed that even though in hindsight they may not have complied with the law, their reporting was strongly linked to the government and attorney general's interest to find Jorge Glas guilty. This could have been a reason for them to not have experienced trouble with the law.

Both experiences suggest there are challenges with the law being applied as a framework that can contribute to fair reporting. This is due to the fact that the effectiveness of a legal framework seems to rely on social legitimisation, which is not likely if regulation is carried out by governments with no input from the journalistic community or civil society. For instance, even though the Communication Law is very similar to journalists' codes of ethics, which journalists agreed to abide by in their reporting, the fact that the law was created by a government who was so hostile towards them might have resulted in a defensive response. While there is no record of concrete actions that would qualify as media oppression, such as the imprisonment of journalists or the closure of media outlets for political reasons, Correa's explicit and hostile criticisms against the media was enough to create conflict. On the one hand, there was Correa's vilification of private media owners and the management of the public media by his allies, which made clear his lack of tolerance for scrutiny. On the other hand, on top of difficult working conditions and implicit fear of job losses, as according to some

of the interviewees, journalists did feel attacked by his government, which may have increased their scepticism of any government initiative that claimed to improve journalism. Arguably, the reporting of the Odebrecht case with Jorge Glas as the main actor, is an example which shows how this type of context shapes the creation of content, that clearly affects its journalistic quality.

In addition, two of the journalists did not see any value in having media regulation policies at all. This was likely due to their experiences with the government which enhanced their existing disapproval of the law, even when it matched their own ethical codes. They expressed that any attempt at regulation would only discourage journalists from publishing stories and would serve as a tool of oppression. On one hand, these declarations bring into focus not only the delicate relationship between governments and the news media as counterpowers but also the issue of the state's ability to scrutinise its scrutiniser. On the other hand, the portrayal of Jorge Glas and the framing of his culpability during the case also suggests the need for systems that hold journalists accountable. These challenges, raise the questions on whether media regulation, as proposed by the Ecuadorian Communication Law, really contributes to the fostering of fair coverage of stories, and how and in what way should journalists be accountable for their published work. On one side, this thesis has demonstrated that it is difficult, from a legal perspective, to apply abstract journalistic codes or laws to news practices. For instance, decisions on the framing of news stories or the highlighting of certain pieces of information over others can be considered fair or unfair depending on each person's opinion. As well, the decision to omit or include an aspect of the event being reported is a result of a journalist's decision or editorial checks. Having to follow a strict legal framework while crafting news stories could discourage journalists from taking the risk to make those subjective decisions, which could lead to less involvement in high profile

or sensitive stories. However, the findings in the Argentinean case study suggested that news texts, depending on their political context, can reach levels of reporting where they explicitly advocate support or opposition to certain actors over others. An example is *Página 12*'s evident argument that Cristina Fernández was being persecuted rather than providing a witness-like reporting of the legal process and its development. Even though the reasons behind this reporting cannot be fully teased out in this study, the apparent strong partisan features found in both newspapers suggest the need to have tools that allow for the authors of those texts to be held accountable for their claims as this could have serious consequences for the course of justice. In this regard, the data from the interviews as well as the scholarship explored (Chavero & Oller, 2014; Lunt & Livingstone, 2011), strongly point to the need for regulatory systems featuring significant citizen participation and robust debate. Even though these are also vulnerable to political influence, it is likely that any differing judgements on a news texts' compliance would expose potentially unfair decisions, especially in highly sensitive political news, such as the Odebrecht scandal.

Concluding remarks

The Ecuadorian journalists' choice of language cannot be fully attributed to the presence of the Communication Law as this would require more thorough investigation on journalistic culture and newsroom environments. However, it is important to note that the reporting of highly sensitive political news is also impacted by the political context in which it develops. In this case, the Odebrecht scandal took place at a moment when the president had a drastic change in his ideology and became the opponent of those who endorsed him during the election. This had a consequential impact on his policies, including the ones on the media, where he became less critical of the press and expressed his disagreement with the Communication Law.

In this sense, it could be suggested that, perhaps, the presence of the law in Ecuador may have acted as a strong checkpoint for journalists while they selected language for their news texts. In other words, this legal framework could have worked as a diffuser for the selection of explicit language that might show partisanship against or in favour of Jorge Glas, a feature present in both newspapers in the Argentinean reporting.

Though, this study acknowledges that the specific reasons for the choice of language in the reporting are also result, in part, of the newsrooms unique cultures and news-making processes. This means that the findings of this research have set the foundation for more future research on specific Ecuadorian newsrooms and all the factors that could be playing a role in their collective approach to the reporting of sensitive political news.

It could be argued that there are be many different ways to improve journalism and benefit the public interest, such as media redistribution and journalistic practices policies (Baker, 2006; Chavero & Oller, 2014; Croteau & Hoynes 2006). However, the challenges identified in this study, such as the tensions between journalists and the government, or current media systems, signify major constraints that could hinder their application. Specifically, the work conditions of journalists together with media ownership in the hands of powerful groups, both state and private, create the perfect scenario to weaken any policies that could affect those groups' interests.

Limitations of this study

Finally, it is important to acknowledge the limitations that this research faced. These are aspects in this study that need to take into account in the consideration of the findings.

First, the timeframe of this study. This research looked at a specific timeframe that reflected the development of the two case studies selected. These case studies represent moments of high political tension, and the results can only be considered within those parameters.

Second, the methodologies applied. In this study, only published news texts were considered and the interviewees reflected on them from their own perspectives. This means that the arguments in this document may only infer reasons for patterns of the reporting, but in the absence of on-the-ground observations or an ethnographic study of the news production at the time, it is not possible to make strong claims in terms of the approach taken in the news-making process and whether the Ecuadorian Communication Law directly influenced the journalists' work. Additionally, the interviewees' comments reflect their own perspectives and, even though they provide insights from those who were close to the action, they do not represent the many and varied other views at their respective newspapers during the time of the scandal. As well, the interviews only involved Ecuadorian journalists, which means that their testimonies can only be considered as reflecting the Ecuadorian context and not the Argentinean context.

Third, the translation of Spanish text into English. This thesis explored the discourse of newspapers originally written in Spanish. Even though the researcher is a highly fluent speaker of English, applied translation methods that look for the accurate translation of messages and meanings, and confirmed the accurate translation of meanings with a second reader who is a native English speaker, this process still adds an extra layer of interpretation and possible distortion of the texts as their translation was inevitably made from a certain perspective.

Recommendations for future research

This thesis only focused the in-depth analysis on interviews and did not explore thoroughly newsrooms' work cultures and how journalists see and interact with the law on a daily basis. In this sense, more direct observation of news-making practices in regulated and unregulated news media in each country in this study, could show the specific factors that affect the way news is written in each context. As well, this kind of research could also gather concrete results on the involvement of news media owners in journalistic work and whether journalists do get directions on what to report or not.

In addition, this study reveals a need for more research on media regulation on countries with legal systems based on common law, where a judge's decisions are based on previous decisions (precedents). The exploration of cases regarding unfair, unbalanced, or biased reporting on politicians, and the judge's sentences, could provide useful input into the discussion of how to assess ethics-related legal requirements justly. Consequently, this kind of research could assist in the theorisation of how to approach regulation in Ecuador with a reduced risk of the possibility for unfair judgements.

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Appendix



HUMAN ETHICS COMMITTEE

Secretary, Rebecca Robinson
Telephone: +64 03 369 4588, Extn 94588
Email: human-ethics@canterbury.ac.nz

Ref: HEC 2019/143

30 October 2019

Jorge Freddy Bolanos Lopez
Media and Communication
UNIVERSITY OF CANTERBURY

Dear Jorge

The Human Ethics Committee advises that your research proposal “Effect of Media Regulation in Ecuador and Argentina” has been considered and approved.

Please note that this approval is subject to the incorporation of the amendments you have provided in your email of 29th October 2019.

Best wishes for your project.

Yours sincerely

A handwritten signature in black ink, appearing to be 'D. Sutherland', written in a cursive style.

Dr Dean Sutherland
Chair
University of Canterbury Human Ethics Committee

Appendix 1 – Information and consent sheets for interviews.

Department of Media and Communication
Telephone: +64 3 3695849

Email: jorge.bolanoslopez@pg.canterbury.ac.nz

13 February 2020
HEC Ref: HEC 2019/143

**The Effect of Media Regulation on the Reporting of Relevant Political
Events in Ecuador and Argentina
Information Sheet for [_____]**

My name is Jorge Bolanos Lopez and I am currently working towards a PhD in Media and Communication at the University of Canterbury.

The goal of this thesis is to explore different media outlets' reporting on political issues considering the current regulations they have to comply with. The study aims to bring into the study newspapers from Argentina and Ecuador and look at the discourses they use in the coverage of two political scandals, the Odebrecht scandal in Ecuador and the Notebooks' scandal in Argentina, and suggest the factors that affect them.

You have been approached to take part in this study because of your involvement in the creation and/or publishing of the news articles analysed and/or your knowledge on media regulation policies in your country. I have located your contact details through the website of the newspaper you work for.

If you choose to take part in this study, your involvement in this project will be by answering questions regarding your professional journalistic work, including the process undertaken in writing and/or publishing the news articles considered and your views on media regulation policies. This will be carried out through Skype or Whatsapp and take approximately 90 minutes. The content will be recorded with an external audio device.

As a follow-up to this investigation, you will be asked to revise the transcript of the interview and requests for any changes or removal of information within one month.

In the performance of the tasks and application of the procedures there are risks of emotional distress as you are likely to self-reflect on your journalistic work. Therefore, you may refuse any questions and stop the interview at any given time.

Participation is voluntary and you have the right to withdraw at any stage without penalty. You may

ask for your raw data to be returned to you or destroyed at any point. If you withdraw, I will remove information relating to you. However, once analysis of raw data starts after you have revised the transcripts of your interview, it will become increasingly difficult to remove the influence of your data on the results.

The results of the project may be published, but you may be assured of the complete confidentiality of data gathered in this investigation: your identity will not be made public without your prior consent. To ensure confidentiality, your real identity will be omitted and replaced by a pseudonym. In addition, all the data gathered from you will be secured in the university's server under an individual password, which only my supervisor and myself will have access to. All the raw data concerning this study will be kept for ten years and destroyed after that. A thesis is a public document and will be available through the UCLibrary.

Please indicate to the researcher on the consent form if you would like to receive a copy of the summary of results of the project.

The project is being carried out as a requirement for a PhD degree by Jorge Freddy Bolanos Lopez under the senior supervision of Dr. Donald Matheson and Dr. Tara Ross, who can be contacted at jorge.bolanoslopez@pg.canterbury.ac.nz, donald.matheson@canterbury.ac.nz, tara.ross@canterbury.ac.nz, respectively. They will be pleased to discuss any concerns you may have about participation in the project.

This project has been reviewed and approved by the University of Canterbury Human Ethics Committee, and participants should address any complaints to The Chair, Human Ethics Committee, University of Canterbury, Private Bag 4800, Christchurch (human-ethics@canterbury.ac.nz).

If you agree to participate in the study, you are asked to complete the consent form and return a signed scanned copy via email to jorge.bolanoslopez@pg.canterbury.ac.nz

Department of Media and Communication
Telephone: +64 3 3695849

Email: jorge.bolanoslopez@pg.canterbury.ac.nz

13 February 2020
HEC Ref: HEC 2019/143

**The Effect of Media Regulation on the Reporting of Relevant Political
Events in Ecuador and Argentina
Consent Form for [_____]**

Please tick all the boxes that apply to you:

- I have read the information sheet, been given a full explanation of this project and have had the opportunity to ask questions.
- I understand what is required of me if I agree to take part in the research.
- I understand that my participation in the project will involve recorded audio interviews.
- I understand that participation is voluntary and I may withdraw at any time without penalty. Withdrawal of participation will also include the withdrawal of any information I have provided should this remain practically achievable.
- I understand that any information or opinions I provide will be kept confidential to the researcher Jorge Freddy Bolanos Lopez and his supervisors Donald Matheson and Tara Ross, and that any published or reported results will not identify the participants or their institution. I understand that a thesis is a public document and will be available through the UC Library.
- I understand that I may withdraw from the study at any time, and may decide to withdraw any information I have provided from use in the final PhD report/thesis.
- I understand that all data collected for the study will be kept in locked and secure facilities and/or in password protected electronic form and will be destroyed after ten years.
- I understand the risks associated with taking part and how they will be managed.
- I am convinced that this research has been properly examined, reviewed and approved by the Human Ethics Committee of the University of Canterbury in Christchurch, New Zealand.
- I understand that I can contact the researcher Jorge Freddy Bolanos Lopez or supervisors Donald Matheson and Tara Ross for further information. If I have any complaints, I can contact the Chair of the University of Canterbury Human Ethics Committee, Private Bag 4800, Christchurch (human-ethics@canterbury.ac.nz)

- I understand I will be given an opportunity to read and review the transcript of the recorded interview to correct and/or withdraw any content which I do not want included in any outputs from the project. After this stage, revision or review will no longer be possible.
- I would like a summary of the results of the project.
- By signing below, I agree to participate in this research project.

Name: _____ Signed: _____ Date: _____

Email address (for report of findings, if applicable):

Please scan this document, tick the applicable boxes, sign and return via e-mail to jorge.bolanoslopez@pg.canterbury.ac.nz

Appendix 2 – Questions for semi-structured interviews.

Questions for external source (Ecuadorian case study)

1. Please tell me about your current occupation and what was your occupation during the Odebrecht scandal?
2. In general terms, how do you describe the Ecuadorian mainstream journalism?
3. How close did you follow the reporting of the Odebrecht scandal and the lawsuit against Jorge Glas? What is your position on the case? Is Jorge Glas guilty?
4. Do you think that the reportage of the Odebrecht scandal in El Universo / El Telégrafo met the law's requirements in terms of Article 1a (respect a person's honour), Article 3b (abstain from distorting or omitting intentionally elements of information or opinions disseminated), Article 22 (balance, accuracy and fairness) and Article 25 (the media stance on ongoing cases)?
5. Could you give your thoughts on the following findings of this study? Do you agree with them? Why do you think they happened?
 - a. In El Universo, Jorge Glas is not given as much voice as it is to the prosecution
 - b. In both newspapers, it seems that the Odebrecht side is not as acknowledged as Jorge Glas, even though they were both parties in the same crime.

- c. Jorge Glas is mostly referred to as Glas, even though there are also terms such as Jorge Glas, vice-president, or Jorge G. What would have been the most appropriate name considering that he was part of an open judicial case – what was the rationale for this?
6. What advantages and disadvantages do you see in the Ecuadorian Communications law? Is regulation necessary in the Ecuadorian media?

Questions for journalists from El Universo / El Telégrafo

1. Please tell me about your professional background and how long you have worked at El Universo / El Telégrafo?
2. In general terms, how do you describe the Ecuadorian mainstream journalism?
3. How close did you follow the reporting of the Odebrecht scandal and the lawsuit against Jorge Glas? What is your position on the case? Is Jorge Glas guilty?
4. Considering that the Vice president was involved in the Odebrecht scandal, how was the reporting process (in terms of signing off the articles for publication)? Please describe the news-making process at El Universo / El Telégrafo?
5. Do you think that the reportage of the Odebrecht scandal in El Universo / El Telégrafo met the law's requirements in terms of Article 1a (respect a person's honour), Article 3b (abstain from distorting or omitting intentionally elements of information or opinions disseminated) and Article 22 (balance, accuracy and fairness)?
6. Could you give your thoughts on the following findings of this study? Do you agree with them? Why do you think they happened?
 - a. In both newspapers, it seems that the Odebrecht side is not as acknowledged as Jorge Glas, even though they were both parties in the same crime.
 - b. Jorge Glas is mostly referred to as Glas, even though there are also terms such as Jorge Glas, vice-president, or Jorge G. (What would have been the most appropriate name considering that he was part of an open judicial case?)
7. What advantages and disadvantages do you see in the Ecuadorian Communications law? Is regulation necessary in the Ecuadorian media?